

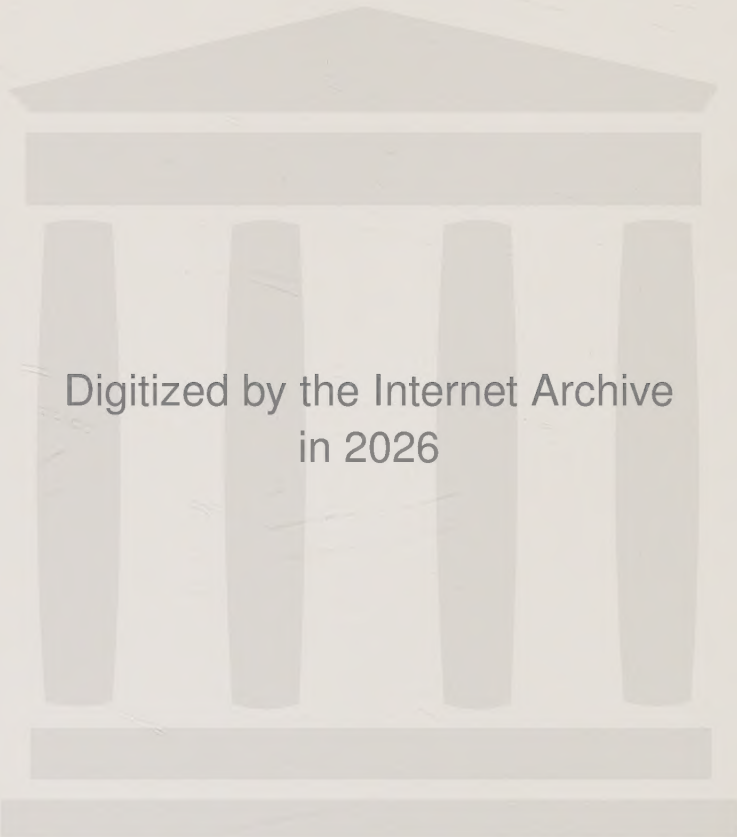
THE RUSSO-JAPANESE TREATIES
OF 1907-1916 CONCERNING
MANCHURIA AND
MONGOLIA

ERNEST BATSON PRICE

A Dissertation submitted to the Board of University Studies of The
Johns Hopkins University in conformity with the
requirements for the Degree of Doctor of
Philosophy
1933

Extracts from *The Russo-Japanese Treaties of 1907-1916*
Concerning Manchuria and Mongolia

BALTIMORE
THE JOHNS HOPKINS PRESS
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PREFACE

This study is not concerned with questions of right and wrong. Whether Russia and Japan, or either of them, had any legal or moral right to divide into spheres of interest a portion of another nation's territory; what, if they did have rights, was their extent, and what means the two nations were entitled to employ, under the law of nations, to maintain them—these questions are outside the scope of the present inquiry. Nor is it concerned with an examination of all the means employed, but of only one—the making of specific treaties.

This study may give no help in answering the questions above postulated; it may, even, reveal no new facts. But just as it is important to discover the causes in order to find the means to cure a disease, or to find out why men act in order to understand how they act, so it is perhaps worth while to study the motivations, the forces in fact and in belief, the combination of circumstances, which make nations act as such. Within a limited sphere, this inquiry has sought to do that.

Nations are but aggregates of individuals, yet we are prone to ascribe to such aggregates a sort of capacity for collective thinking and for making uniform judgments, regardless of the extent to which the great mass of individuals concerned may be informed or even interested in the questions involved. That which we call national policy is almost never the result of a conscious weighing, on the part of the people as a whole, of questions of right and wrong; it is seldom the product of consecutive ratiocination—the setting up of a design, preconceived and duly executed—on the part, even, of a smaller group; nor can it be said to be often a blind and unreasoned yielding to primitive mass forces. Rather it is formed as the result of conscious, however mistaken, belief, on the part of the group for the moment controlling the government of a nation, that a given course of action is

desirable. That belief may be largely irrational; it may itself be the product of forces only dimly comprehended: it may be temporary; it may be opportunistic—an attempt at adjustment to transitory conditions; it may even be non-representative of, and alien to, the culture of the mass: but at any given moment this belief is expressed in action which stands recorded as national. The foreign policy of any nation, therefore, represents but a chain of such “beliefs-expressed-in-action” on the part of relatively small groups of men to whom circumstances have given the power to act for a larger group.

With the perspective of time, we may decide that certain of these beliefs were erroneous. In the light of later discovery of the real mass forces at work at the time, we may marvel that such beliefs were held. We may even conclude that such a means of expression of the character, the desires, and the needs of great masses of people is fundamentally wrong, and that some means must be found whereby peoples, not governments, may be enabled to dwell together in peace. But first we must have the facts, for truth is but the proper appraisement of knowledge, and knowledge comes before wisdom.

Hence the objective of this particular study has been to discover, if possible, what the men who controlled the destinies of Russia and Japan during the decade 1907-1916 really believed, and how they expressed their beliefs in the making of treaties during that period. What perhaps has justified the effort is the circumstance that these “beliefs-expressed-in-action” changed the course of history, affected the welfare of a quarter of the earth’s population, possibly aided in the process of wrecking old Russia, and may be doing the same for the old Japan.

For the purposes of a study as brief as this, much attendant history must necessarily be taken for granted. For material not directly germane to the study itself, only such reference is furnished as will indicate where such material may be found. In the annotated bibliography appended, an attempt is made to evaluate the more important source mate-

rials actually used. Where, as in the case of the texts of certain treaties, translations have had to be used, efforts have been made to obtain fresh or corroborative translations, and to reconcile such differences as have been found.

The map represents an attempt to reconstruct the essential details of the political situation subsisting at the close of 1912, that is to say, following the establishment (by the secret convention of that year) of the final line of demarcation between the Russian and Japanese spheres of interest. The first section of the 1912 line, from the intersection of the Tola River with the meridian 122° East of Greenwich to the point where the line starts to follow the boundary between Heilungkiang and Inner Mongolia, must be regarded as only approximate, by reason of the difficulty of identifying on available Russian and Chinese maps (which alone name them) the rivers which indicate the course of the line in that section.

In the use of "old style" (Russian, or Julian Calendar) and "new style" (Gregorian Calendar) dates, this book has adopted the following practice: where both dates are called for, as in the case of texts, extracts or direct translations of treaties in which both dates are given, both are written, the "old style" date being given first, followed by the "new style" date; where the date of the document is given only in the "old style", the words "old style" follow the date in parentheses; in all other cases the "new style" or Gregorian Calendar date is assumed.

The author desires to express his appreciation to Dr. W. W. Willoughby, of the Johns Hopkins University, for reading the manuscript and for many helpful suggestions; to Dr. Payson J. Treat, of Stanford University, who originally inspired the investigation and who taught the maxim "*Cherchez les sources*"; to Dr. K. R. Greenfield, the Johns Hopkins University, for helpful criticism in the preparation of the Bibliography; to Dr. V. Gsovski, of the Slavic Law Division of the Library of Congress, for certain translations from the Russian; to Dr. Arthur W. Hummel, of the Division of Chinese Literature of the Library of Congress, for

suggestions on Chinese source materials; to Mr. J. Irvine Burnham, for compiling the map; to Dr. Lazare Teper, of the Walter Hines Page School of International Relations, the Johns Hopkins University, for assistance in locating various Russian source materials and for translations, and to Dr. Victor A. Yakhontoff, for copies of the French texts (made by him from the originals in the Foreign Office of the Soviet Government) of certain treaties.

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CHAPTER I

THE BACKGROUND OF INTERNATIONAL RELATIONS IN NORTHEASTERN ASIA

To discover when and under what circumstances a belief came to be held is quite as important as a study of the belief itself, and of the actions resulting therefrom. However irrational it may appear to be, something caused it, some set of conditions made it germinate and grow.

In the field of international relations, no belief—at least none that is vital or tends to result in national action—exists unless the interests of the nation are involved or are deemed likely to be involved. It makes no difference whether, in the minds of those holding the belief, by the term “nation” is meant the government, the people, or the territory of the country; or whether by “interests” one means those things which concern all the people or simply that sometimes wholly separate entity, the government which speaks and acts for them.

In the general area of Northeastern Asia (an area which will require a more precise territorial definition later) three principal groups came into contact—China, Russia, and Japan; and from the resulting pressures and frictions there came wars, in which each became involved with the one or the other; and, as between two of them, that group of beliefs which found expression in the Russo-Japanese *rapprochement* of 1907-1916.

What was the nature of these contacts? What were the national interests which evolved? In short, what were the elements conditioning the germination and growth of the beliefs which led to the *rapprochement*?

NORTHEASTERN ASIA

It is one of the misfortunes of human experience that history is constantly distorted in its perspective by the nearness of recent events. We speak of Manchuria, of Korea, of

Eastern Siberia, and of Mongolia. In greater detail, we speak of the Three Eastern Provinces of Heilungkiang, Kirin, and Shengking, of the Province of Jehol, of Inner and Outer Mongolia, and of the Maritime Provinces, or of the Far Eastern Territory, of the Atonomous Yakutsk Socialist Soviet Republic, and the Eastern Siberian Territory. And in so doing, we tend to regard the area as more or less naturally dividing along these present or recent political lines.

Historically, however, and for a very good reason, the division was quite otherwise. From the time of the Chinese Tang Dynasty (618-906 A.D.), certainly, and perhaps earlier, down to the middle of the Nineteenth Century, the outstanding *fact* of the whole of Eastern Asia was China. Immediately we say this, however, we are compelled to resort to very careful explanation of what is meant by the term "fact." From the political point of view, it is almost impossible to find in the history of Western civilization any suitable analogy, or any terms by which the concept of China may be defined. It is necessary to go back to the Roman Empire for anything at all closely resembling it even in form; but even here the analogy fails in two essential particulars. Like the Roman Empire, the Middle Kingdom consisted of a well-developed nucleus of political administration surrounded by lesser states or tribes acknowledging allegiance to the central authority, but permitted to exercise a considerable degree of local autonomy. But the administration of Rome was essentially military; the Roman governor was, in fact, the ultimate local authority; and the court of last appeal for such as could claim Roman citizenship was Rome. The essence of authority lay in the readiness of the central administration to enforce the *Pax Romana*. In China, although frequently the relationship between the central administration and the states and tribes composing the periphery was originally established by war, military administration tended swiftly to disappear and to be replaced by a local and indigenous administration maintaining but the loosest possible connection with China proper. Whereas, in the Roman system, the tendency was to assert the authority of Rome, in that of China it was to shake off,

as much as possible and as soon as possible, the responsibility for the administration of subject states. Its essence was a readiness to permit other peoples to assert their own right of self-government.

Again, although China, like Rome, frequently expanded, and the area of direct administration from the central core became at such time greatly broadened, in the case of China such movements were almost always essentially defensive, a hitting back at a danger and a threat, followed by a withdrawal as soon as the danger seemed past.

China, then, consisted of a core of political administration—a well-developed bureaucracy of which the Emperor for the time being was the titular head—surrounded by an ill-defined and frequently changing periphery of nominally subordinate but in fact locally autonomous lesser states or tribes; they in turn being surrounded by other states or tribes with which China preferred not to concern herself, and did so only of necessity as one or another penetrated the periphery and upset the *status quo*.

But China was much more than that. What has been described was purely superficial, the outer evidence of a state of affairs and a state of mind which conditioned the entire development of Eastern Asia as a whole and of Northeastern Asia in particular. These may be summed up by saying that, to all other peoples in the area, China represented a comparatively higher civilization, a more desirable territory, greater capacity to satisfy human needs and desires, and a more permanent social organization. The great valleys which, it is now generally conceded, were the birthplace of the Chinese race, were the land of desire. Politically, China was almost always on the defensive; culturally, the surrounding peoples were.

Fortunately for China, nature afforded her protection from all directions but one.¹ To the east was the earth's greatest water mass; along the south, southwest, west and northwest were great mountain barriers, reinforced to the northwest by desert. But in the north the mountain barrier broke down, in the lower hills of the Province of Jehol; and with the ending

of the plateau ended also the protecting desert, which thinned out into the grass lands of Eastern Mongolia and Western Heilungkiang.

To the north, then, traditionally, was danger. Out of the north swept the nomad invasions, sometimes those of the desert or of the grass lands bordering it—the herdsman nomads; sometimes those of the forests farther east—the huntsman nomads; sometimes the one pushing the other. Penetrating the protecting periphery of partially absorbed tribes, they poured over into the rich agricultural valleys of China, upsetting dynasties, establishing new ones, mingling their newer and more vigorous but quantitatively inferior blood with that of the plainsmen.

Then would come the *revanche*, the ebbing of the tide; and back would sweep the furrows of the agricultural Chinese, following the spear-thrust of a new and vigorous native dynasty, until a new equilibrium was attained. But not until very recently did the furrows of the settler go as far as the point of the spear. A military operation is comparatively swift, and, if successful, will follow the enemy far enough into his territory to make him innocuous. Colonization is a slow process, and, among the Chinese, seldom has been carried into disputed territory. We have enough historical data to know that the process has been like this: first, an invasion into the Yellow River Valley, sometimes carried on into the greater valley of the Yangtze; then a process of gradual absorption, with the aliens who entered becoming more and more Chinesized and the ruling dynasty more and more degenerate; then would arise a new native power which would overthrow the ruling house, drive out such of the aliens as were not already fully absorbed, and push out far into the territory to the north. For a time, then, but only for a brief time, would follow a period of military occupation of new territory, during which Chinese settlers and traders moved in. Finally, there might be set up a civilian administration, an extension of the bureaucracy which ruled in the Chinese capital, or (more generally) a local administration under a native chief, acknowledging an almost wholly nomi-

nal allegiance to the Chinese Court through the acceptance of investiture and the payment of a small annual tribute.

Two things are of importance to our study in this ebb and flow from the north into China and from China to the north. One is that, in this process, so long continued and so often repeated, Chinese culture spread northward a considerable distance—how far, it is yet too early to say with confidence; and “China,” or the Middle Kingdom, with all that the term connotes, became the dominant fact in Northeastern Asia.² This culture by no means coincided with Chinese sovereignty; as a matter of fact there was no real counterpart of what the West knows as sovereignty, outside the areas which came under the actual jurisdiction of the capital. Yet even here there was a tapering off of central control as the area became more distant from the capital, such that the status of the governors of the marches, as we might call them, was little different from that of native princes. Rather, this culture consisted of a way of living, an attitude of mind, which tended to link the border territories to China rather than to alien tribes.

The other important thing is that, in all this process, there never, until the advent of Russia and Japan, arose in Eastern Asia another power carrying on a parallel or in any way comparable national existence. When a competing power arose, it came down into China and became a part of it, allowing its own original territory to become a part of the administrative entity of China or to compose a portion of the periphery of partially absorbed states.

In such a situation the political condition of Northeastern Asia was never fully stable and, with one exception, had little chance to crystallize. The exception was the peninsula of Korea. Although the scene of a long series of internal struggles, although involved time and again in the troubles of the hinterland, either through invasion or excursion, the peninsula was sufficiently off the beaten track to permit the development of a fairly continuous existence as a nation, nominally subordinate to China, as a general rule, but seldom directly conquered and ruled.

Between Korea and China, however, was a region which, by the beginning of the Seventeenth Century, A. D., had become very largely absorbed into Chinese culture, in whose ethnic strain the Chinese predominated, and which had, in fact, a history of several centuries of more or less direct rule by China.³ While it is impossible to give to this region any definite physical boundaries, it corresponded roughly to what is now known in general terms as Southern Manchuria, plus the Province of Jehol. Physiographically, it divides into the hill country of Jehol and the valley of the Liao. Politically, from the Fourth Century, B. C., down to the present time, the area was, more often than not, included in and governed as one or more provinces, or as part of one of the provinces, into which China was divided; in that respect differing from the regions to the north and west.⁴

These other regions were, in fact, as in Chinese history and thinking, the land of the "Outer Barbarians." The line was never sharply drawn. But while the Liao Valley and the Jehol hills were the political and cultural battleground, the forest land to the north and the grass land to the west remained for the most part unregenerate, penetrated only occasionally by Chinese arms and casually by Chinese traders.

The line which might be said to have represented the true boundary between China and the "Outer Barbarians" was never sharply drawn, but roughly it might be said to have followed the watershed which divides the rivers flowing south into the Yellow Sea and those flowing north and east into the Japan Sea, and that higher watershed, the backbone of which is the Great Khingan Range, which divides the plateau land of Mongolia from the hill land of Jehol and the Cherim Basin of Manchuria. Of the two, the latter is historically and psychologically the more important, for it represents a division of peoples on economic lines of such long duration as to have had a profound influence on racial character. The peoples in the better-watered area to the east of the Khingan Range, who inhabited the Sungari-Amur river system, were nomads, but they were huntsmen nomads, forest dwellers; those to the west, who inhabited the grassy steppes

lying between the desert and the mountains, were herdsmen, desert nomads.⁵ The basic warfare between the two economic groups was almost as stubborn as between the two of them (composing the "Outer Barbarians") and the agriculturists of China. Chinese chroniclers, though giving to the tribes a great variety of names, were careful to distinguish between the generic group of *Hsienpie*, or desert barbarians, and the *Tungyi*, or "Eastern Barbarian" tribes. Thus, in the period known in Chinese history as the "Barbarian Rebellion" (317-439 A. D.), it was a branch of the *Hsienpie* (the *Mujungs*) that overran Southern Manchuria and the northern half of Korea, and participated in the struggle for the control of the Pei Ho basin. These were driven back by the *Kaokuli* (whence the ancient name *Kaoli*, or Korea, which succeeded the even more ancient name of *Chaohsien*, or Chosen, presumed to have been given to the peninsula by the earliest Chinese settlers), the *Kaokuli* being a branch of the *Tungyi*. The *Kaokuli* yielded to the Chinese of the brilliant Tang Dynasty (618-906 A. D.), which extended Chinese political sway up into the Sungari basin. Following the Tangs, the *Chitans*, a desert tribe, gained the ascendancy, not only in Southern Manchuria, but likewise in North China, extending their sway northwards into the Cherim prairie. These the great Chinese Sung Dynasty (906-1126 A. D.) was unable to drive out; the Sung, in fact, being compelled to pay tribute to the *Chitans*. It remained for the *Nuchens* (Chin Dynasty, 1115-1234 A. D.), a forest nomad tribe from the Amur, to expel the *Chitans*. They, in turn, were replaced by the Mongols (Yuan Dynasty, 1206-1368 A. D.), a desert people. The Mongols were displaced by the Chinese Mings (Ming Dynasty, 1368-1644 A. D.), and the Mings by the Manchus, a forest nomad tribe, already considerably under Chinese cultural influence, from Kirin.⁶

Such was Northeastern Asia up to the middle of the Seventeenth Century, A. D.—China, politically a puzzling anachronism, but culturally the great fact of a thousand years of Eastern Asian history; to the south and west, distant and little-known tribes shut off by mountain walls and desert; to

the north, a gradually receding twilight zone of semi-civilized, partially absorbed tribes and peoples; and beyond them, two groups of "Outer Barbarians," struggling among themselves and against the Chinese for better pasturage, better hunting, and greater luxuries; and off to the east, Korea, able (thanks to geographical position) to maintain a more or less continuous national existence. Beyond that there was nothing. At the beginning of the Seventeenth Century, Russian adventurers had not yet reached the Amur. Japan, under the great Taiko Hideyoshi, had made and failed in a second attempt (1598 A. D.) to establish a foothold on the mainland, and had withdrawn to her islands to keep an isolation which was to last for over two centuries. Yet, three hundred years later—a short span, as Asian history goes—these two as yet almost unknown powers were to decide between themselves the political fate of Northeastern Asia.

RUSSIA'S PUSH TO THE PACIFIC

Just as it is hard to find in the political development of the West any close analogy to the political system which had evolved in China by the beginning of the Seventeenth Century, so it is difficult to discover in the history of mass human expansion anything quite comparable to the push of Russia to the Pacific which began about that time. How it was that that sprawling group of principalities which, for over two centuries, had rested submissive under the yoke of the Golden Horde, came, in the course of a little over a hundred years, to be modelled into the form and substance of a new and independent state, can perhaps be explained through the energy, resourcefulness, and ambition of that remarkable trio, the three Ivans of Muscovy. But how it was that, with all the energies and resourcefulness of the new state presumably fully absorbed in consolidating itself in Europe, it was yet possible for Russia to thrust out eastward across the Urals and take within its dominion all of Central and Eastern Asia north of the Altai ranges and the Amur River to the Pacific, and then push on until the flag of Russia had been established on the North American continent, and accomplish all

this in almost exactly two hundred years, remains one of the puzzles of human history.

In the year 1579 A. D., one Stroganoff, to whom had been given by Ivan the Terrible a somewhat vague grant of land in the east, commissioned Yermak Timofevitch, leader of a small band of Cossacks, to go out and investigate. Yermak reached the banks of the Irtysh, where he met, defeated, and exacted tribute of sable skins from the Tartar tribe dwelling there. Like swashbucklers anywhere, Yermak and his band returned to brag of their exploits. Commenting on this, Alexis Krausse says:

The success which had attended the exploits of Yermak served to encourage other bands of adventurers, and whole tribes of Cossacks migrated from the Don and Terek districts in order to overrun the new country, which rumor stated teemed with wealth.⁷

So far this is quite understandable. Adventurers have gone out into other unknown territories, brought back wonderful stories, and excited others to emulation. But what is not so explicable is the apparently incontrovertible historical fact that "the subjugation of Siberia was attended with little trouble or loss of life."⁸ Where was that scourge of Asia—the Mongol? What had become of that mighty power which had welded into a vast horde the tribes of Central and Eastern Asia, to sweep resistlessly west, south, and east, defeating the flower of Christendom, destroying the ancient Persian line, penetrating India, and conquering China? We can only conclude that the fire of the Great Khan had not only burnt itself out, but had also burnt out most of that vast region which had been its source. For we know that the bands of marauding Cossacks that were the spearpoint of Russia's advance were small in number, a single group seldom comprising over a hundred men; that they lived off the country and maintained no line of communication with their base; that they themselves were neither traders nor settlers; and that, at first at least, they had little government encouragement or support.⁹

Yet hard on the heels of the Cossacks, occasionally accom-

panying them,¹⁰ came the traders, and on the heels of the traders, the agricultural settlers, and settlements sprang up here, there, and everywhere.¹¹ By 1636, fifty-seven years after Yermak set out across the Urals, a party of Cossacks had reached the Shilka, a northern tributary of the Amur. By 1643, Yakutsk had an imperial governor, who in that year sent an expedition down the Zeya, which reached the Amur at the spot where now stands Blagoveshchensk, and six weeks later reached the mouth of the Amur and the sea.¹²

The Russian records of this (the Poyarkoff) expedition indicate that the peoples whom they found inhabiting the shores of the Amur were Tungusic tribes allied and paying tribute to the Manchus,—Daurians, Doutheres, Natkis, and Gilyaks; that the Manchus themselves did not inhabit the main Amur valley, but came regularly to trade and to collect tribute; that the Chinese came, but less frequently,¹³ to sell cotton goods, metal utensils, and silk stuffs; that the Daurians, at least, although primarily huntsmen, carried on a certain amount of agriculture, sufficient to enable them to sell grain.¹⁴ On the whole, however, we must conclude that the country was sparsely inhabited, for De Sabir mentions "the small resistance of a weak population, spread out over immense territory," and refers to "the ease with which the small group of Russians obtained the consent of the natives to pay them the *yassak* or tribute of furs."¹⁵

The Cossacks treated the native population badly, not only collecting tribute but also destroying fields and villages. The next Russian expedition, that of Khabaroff, 1650, encountered, therefore, fairly strong resistance from the Manchus themselves. Nevertheless, it succeeded in establishing a string of settlements, the most important of which was Nerchinsk, on the Shilka, founded in 1658. The Manchus, alarmed, drove the Russians from all their Amur settlements save Nerchinsk, and for eleven years (1658-1669) the Russians left the Amur alone. In the latter year they returned.

Russia and China of the early Manchu régime were now in contact, but the newly established Court at Peking was disposed to be conciliatory. The Emperor Kanghsi sent a

protest to Nerchinsk, which resulted in the dispatch of the first Russian diplomatic mission to Peking. The Ambassador, Miovanoff, was well received by the Emperor in person, and returned with costly gifts.¹⁶ The only result of the mission, however, seems to have been to attract more settlers to the Amur. Colonization, now with the will and the purse of the Russian Imperial Court behind it, was started in earnest. In 1672, peasants were sent to Albazin, on the site of the present city of Aigun, on the south bank of the Amur; and by the time of the signing of the Treaty of Nerchinsk, seventeen years later, some three thousand acres of land around that city had been brought under cultivation.¹⁷

The Manchu Court was now thoroughly aroused. As De Sabir says:

When China saw, behind these bands of adventurers, the Russian merchant founding colonies on the Amur, and the small forts built by the Cossacks developing into fortified cities, she understood it was time to act, if she did not wish to surrender to her powerful neighbor all the country washed by the Amur.¹⁸

China moved with a vigor and a thoroughness which she was never again to show. Having no cities in the territory, Kanghsi had them built—Heilungkiang, Mergen, and Tsitsihar.¹⁹ He linked these cities with roads and intervening settlements. He established colonies, the better to provision his armies when they came. Over all, he set up a military administration, with a military governor to reside at the chief city.²⁰ Then he struck, with an army of "15,000 men, one hundred fifty pieces of field artillery, and fifty siege guns, supported by a fleet of one hundred vessels."²¹

The result was foreordained. Albazin was taken and razed, as was Aigun (then on the north bank), the defenders being permitted to retire to Nerchinsk. The Russian Emperor, disturbed, sent an envoy, Golovin, to negotiate terms. Kanghsi sent two, a Manchu and a Chinese, backed by an army which waited outside Nerchinsk while the treaty was being negotiated. On August 27, 1689, the Treaty of Nerchinsk was signed, by which Russia agreed to give up all the Amur valley, from the junction of the Kerbechi and the Argun

east; the boundary between the two nations being given as "the river Kerbechi . . . and the long chain of mountains extending from its sources to the Eastern Ocean." All land where the rivers flowed southward was to be Chinese; northward, Russian. From the Kerbechi westward, the boundary was to be the Argun River.²² Thus, in the first conflict between China and the West, China for the only time, came off victorious.

But Russia was not to be denied her push to the sea. In 1707, Kamchatka was seized, to provision which the Russians insisted upon using the Amur, in violation of the Treaty of Nerchinsk. In further violation of the treaty, settlements were founded on the coast, south of the "long chain of mountains"—at Nikolaievsk in 1850, at Mariinsk in 1851, and at Alexandrovsk, on the Island of Sakhalin, in 1853. Two attempts by Russia to negotiate for the acquisition of the Amur came to naught, one in 1727, and one in 1803-1805. Two further treaties (that of Kiakhta, 1727, and that of Kulja, 1851) extended the boundary further west, and sought to regulate a growing trans-frontier trade.

Then came the Crimean War, which resulted in the destruction of the Russian settlements on the Pacific by the allied forces, but which drove the Russians once more back onto the Amur in earnest. As H. B. Morse says:

The flow of a lava bed is irresistible, and after the lapse of a century-and-a-half . . . Russian colonists absorbed the territory lying north of the Amur.²³

By 1858, China, spent from a long civil war, and with her capital virtually besieged by the British and French, was ready to concede almost anything. On May 28 of that year, Chinese emissaries signed with Muravieff at Aigun the Treaty bearing that name; on June 13, China signed with Putiatin the Russian Treaty of Tientsin; and two years later (November 14, 1860), the Treaty of Peking.²⁴ As Payson J. Treat says:

The three treaties . . . comprise one treaty settlement. With few modifications, they formed the basis of the relations between the two countries until the end of the century.²⁵

The Treaty of Aigun gave Russia the territory north of the Amur, and the right of navigation of the two main confluents from the south, thus by the first provision confirming an already accomplished fact, and by the second, legalizing the first of those "special interests" which were to figure so prominently in the Russo-Japanese *rapprochement* later. The Treaty of Tientsin gave Russia all the technical advantages acquired by the French and British through force of arms; that of Peking gave her the territory east of the Ussuri. This last Treaty had two results the significance of which is sometimes overlooked: it cut off China in Manchuria from any access to the sea other than through Dairen and the two inferior ports of Newchwang and Hulutao; and it brought Russia face to face with Japan across a narrow sea. The Treaty of Peking further conceded to Russia the country around Lakes Baikal and Issik Kul, a reminder to Great Britain that the long arm of Russia was beginning to reach down toward India—a circumstance which was further to affect the development of the Russo-Japanese *rapprochement*.

This group of treaties marked the turning-point in the attitude of Russia toward China. It is not necessary here to go into an examination of the causes which led to the removal of China as a determining factor in the political development of Northeastern Asia. It is enough to record it as a fact, and to say that, on the part of Russia, a policy of respect for China as a great and equal state had developed into a belief that China had become a negligible factor—merely a land to be exploited at such times and under such conditions as the situation allowed. A Russian Council of Ministers was, in 1910, to agree that experience had taught that "China had always yielded, when we addressed to her categorical demands."²⁶ As practical statesmen, the leaders of Russia now turned their attention to a new power in Eastern Asia.

THE ADVENT OF JAPAN

The very year that Japan signed her first commercial treaty with a Western Power (that with the United States in 1858) saw a second series of humiliating treaties imposed at the

cannon's mouth on her once great neighbor on the mainland, by an alignment of Western Powers. Two years later found Russia, already entrenched on the Island of Sakhalin to the north, facing Japan for half her length, from the mainland. Two years later, when, in a last wave of revulsion, the Japanese essayed once more to close the door against the outside world, one of their own ports was bombarded by a combined fleet of American, British, Dutch, and French vessels, as a result of which Japan was forced to pay an indemnity by no means measured by any actual losses sustained by the foreign nations involved. Then Japan decided to become a Western Power.

How well she succeeded is familiar history, and is not a part of this study. We are concerned only with its effect on the development of a particular set of beliefs and policies. Nor are we especially concerned with attempting to answer the still disputed question of why Japan felt it necessary to expand to the mainland and thus to come into immediate contact with China and Russia. Motivations behind national expansion form a problem in themselves. We may simply record that (certainly at first) the Japanese Government simply followed the established technique of the West in insisting upon the right of having and protecting trade with the Kingdom of Korea, which, following the opening of Japan, had rapidly increased; that Japan then contested the exclusive right of China to determine the political status and to regulate the foreign relations of that Kingdom, but was at one time prepared to coöperate with China on a joint basis; that China refused to coöperate, at the same time that she allowed Russian influence and intrigue to become stronger in Korea; and that, finally, with internal conditions in Korea chaotic, and with China and Japan each refusing to the other the right to settle the situation alone, war between them came about.

The outcome of the Chinese-Japanese War of 1894-1895 surprised the world. For the purposes of this study, its principal result was that, for Japan (again following closely the beliefs and practices of the West, as exemplified by Russia)

China was dismissed as a determining factor in Northeastern Asia. Japan now faced Russia, and the contact was immediate, material, and pressing. And behind Russia stood the still hostile West.

Japan was to feel this pressure immediately. Before ever the ratifications of the Treaty of Shimonoseki were exchanged, Russia, France, and Germany intervened to urge that Japan should not insist upon the cession to her of the Liaotung Peninsula; and on July 6, 1895, a Franco-Russian Syndicate made China a loan (repayment of which by China the Russian Government guaranteed) to provide China with funds with which to pay the Japanese indemnity.²⁷ On December 22 of the same year, the Russo-Chinese bank was organized,²⁸ the *raison d'être* of which became apparent when the terms of the Russo-Chinese Secret Treaty of Alliance of June 3, 1896, became known. By this Treaty (sometimes known as the Li-Lobanoff Convention) Russia and China became allies against Japan, and China acceded in principle to the construction of a railway across the Provinces of Heilungkiang and Kirin in the direction of Vladivostok. Though the actual terms of this treaty were not known until 1910, fairly close approximations (*e. g.*, the so-called "Cassini Convention") were currently surmised and believed.²⁹ On September 8, 1896, the first of the series of agreements for the Chinese-Eastern Railway was signed.³⁰

On March 6, 1898, Germany received payment for her services to China in connection with the retrocession of the Liaotung Peninsula, by acquiring the lease of Kiaochow; and the next day Pavloff, the Russian Chargé d'Affaires at Peking, presented to the Chinese Foreign Office Russia's bill for services rendered, which was for the lease of Port Arthur and the Liaotung Peninsula. As the Russian Government explained to the British Government, "China owed them for the services they had rendered her in the war with Japan, and these services must be properly requited."³¹ The lease convention was signed March 27, 1898. A few days later, the third of the trio, France, was paid off, with the lease of Kwangchow Wan. Great Britain then asked for and obtained the lease

of Weihaiwei, "for so long a period as Port Arthur shall remain in the possession of Russia."³² It might be noted that Weihaiwei had been occupied by Japan during the Chinese-Japanese War and voluntarily relinquished.

But it was in Korea itself that Japan found most cause for anxiety. The mutual declarations of China and Japan, in the Peace Treaty of Shimonoseki, that Korea was an independent state did not make her so; nor did the withdrawal of China from the peninsula create a vacuum. The effete and corrupt Korean Court was no more capable of administering the country than it was before, while the old conflict between Chinese and Japanese intrigue was simply replaced by a new conflict between Russian and Japanese intrigue, the Imperial Court of Korea playing off one against the other as it had done before. Externally, with the completion of the Chinese Eastern Railway, with its main line to Vladivostok and its South Manchurian branch to Dalny (now Dairen) and Port Arthur, Korea was being isolated by a ring of steel. Based on Port Arthur was the Russian Asiatic Fleet, and along the two branches of the line were railway guards, constantly being augmented. Then came the Boxer Uprising in China, in 1900, which gave Russia the excuse for pouring in yet more troops, virtually seizing Manchuria. Finally, there was the Yalu River Concession, for the exploitation of timber and mineral resources in Korea, in which the Russian Emperor himself had a personal financial interest. The Anglo-Japanese Alliance of January 30, 1902, which recognized Japan's special position in Korea, came too late to save the day. The Russian Government was controlled by leaders who believed that Japan could be flouted as ruthlessly as China had been, the Japanese Government by those who believed that Japan's very existence could only be preserved through war. The result was the Russo-Japanese War of 1904-1905.³³

CHAPTER II

EARLY EFFORTS AT RUSSO-JAPANESE UNDERSTANDING

While the idea that Russia and Japan did not need to fight but could and should settle their differences by other means might be said to have been born of the Russo-Japanese War, it was one that had been long germinating in the minds of the more enlightened leaders in both countries. Imagination is more powerful than reason, and the martial spirit appeals to the one while the spirit of compromise speaks to the other. Reason might have shown to those who controlled the destinies of Russia in 1903 and 1904 that the real expansion of Russia had come through the actual, physical absorption of territory by her settlers and traders, rather than through conquest. She had been beaten in the Crimean War. In her one martial adventure in the Far East, she had been forced to surrender to China territory actually held by Russian settlers, territory which was to be won back again through negotiation based on recognition of the fact that Russian colonists had again taken over possession. Reason might have pointed out to those who controlled the destinies of Japan at that time that her war with China had had two distinctly unfavorable results for Japan to offset its advantages: it had roused the suspicion and hostility of other Powers and stimulated efforts toward competitive or protective expansion; and it had involved on the part of Japan a declaration of her recognition of the independence of Korea, a circumstance which Japanese leaders might have foreseen would embarrass their country. The leaders of both nations might well have pondered the circumstance that not all the wars which the West had fought with China had wrung from her an acceptance of equality. Yet up to the time of the Russo-Japanese War, the anxious counsels of the few statesmen in both countries who did see these things fell on deaf ears. And of the two—

the bureaucracy which ruled Russia, and the military hierarchy which controlled the destinies of Japan—the former were more deaf.

INDIVIDUAL EFFORTS

Baron Rosen, who, of all Russia's statesmen of the period just before the war, had probably the longest and most intimate contact with Russo-Japanese relations,¹ says, in his memoirs,² that just prior to his departure for his new post as Russian Minister to Japan, in 1897, he prepared for his chief, Count Muravieff, Minister for Foreign Affairs, a memorandum in which he warned his government against the possibility of a war with Japan if the policy then subsisting of encroaching upon Japanese interests in Korea were continued. He writes:

I directed a broadside of the heaviest and most unanswerable arguments against the [Russian] War Department's plan for the organization of a Korean Army by a body of one hundred and twenty Russian officers as instructors, and advocated a friendly understanding with Japan as well as with China, which would be the best guarantee of a solid and lasting peace.³

To Count Muravieff, Rosen pays tribute not only for having endorsed the memorandum but also for having presented it in person to the Emperor "at the risk of incurring the Imperial displeasure."⁴ Rosen claims that the only result of this action, however, was the abandonment of the plan for the organization of the Korean Army under Russian leadership.⁵

To Rosen's memory we are indebted for the claim that at least two Japanese statesmen of the period before the war shared and worked for the consummation of the friendly policy. Rosen says that, while he was engaged on this memorandum, he was called upon by Mr. (later Baron) Motono, then Japanese Chargé d'Affaires in St. Petersburg,⁶ who told him that he was "under orders from his Government to try by all means accessible to him to ascertain under what approximate conditions Russia would be willing to come to a friendly understanding with Japan in regard to Korea."⁷ Quoting Rosen further:

He had been unable to elicit from anyone in authority anything but the vaguest assurances of goodwill, and now, in despair, had come to me as newly appointed Minister to Japan, in the hope that I might be able and willing to aid his endeavors to bring about such an understanding.⁸

Rosen proceeds to make the admission that "under the circumstances" he was "unable to give him more than the same vague assurances he had received elsewhere."⁹

The other Japanese statesman whom Rosen credits with an early vision of a Russo-Japanese entente is Nishi, who, at the time of Rosen's first mission, was Japanese Minister for Foreign Affairs. "In the course of one of my usual weekly interviews," says Rosen, "Baron Nissi [Nishi] spoke with great warmth of his earnest desire to bring about a complete and truly friendly understanding with Russia"; to which Rosen adds that, at his suggestion, Nishi put in written form a proposal that Russia and Japan enter into a reciprocal agreement "to refrain from any interference with each other's policy, Russia's in Manchuria and Japan's in Korea." This proposal Rosen says he cabled to his government with his strong endorsement, but the Russian Government, in reply, while accepting Japan's offer not to interfere with Russia's policy in Manchuria, declined to accept a similar limitation on its own policy in Korea.¹⁰

Rosen goes on to say that while Nishi was greatly disappointed, "the idea of such an understanding was . . . not quite abandoned by the Japanese Government," and that, partly to allay public excitement in Japan over Russia's occupation of Port Arthur, the Rosen-Nishi Convention of April, 1898, was signed. This agreement, which Rosen describes as "a rather lame and pointless convention," "stated in substance that both countries recognized the sovereignty and entire independence of Korea, and pledged themselves not to interfere in her internal affairs, Russia agreeing not to interfere with the development of the commercial and industrial relations between Japan and Korea, and both countries agreeing not to send advisers to Korea without the consent of the other party."¹¹

A Japanese statesman of even higher rank and influence than either Motono or Nishi, who early believed in and worked consistently for a Russo-Japanese understanding before the war, was Marquis (later Prince) Ito. In the latter part of 1901, Ito made a visit to the United States, ostensibly for his health and to receive from Yale University the honorary degree of Doctor of Laws. Although on a private journey, he had evidently been asked by several of the Japanese leaders, including the Elder Statesman, Prince Yamagata, to return to Japan by way of Russia. Whether authority had been given him to negotiate an actual treaty with Russia is not clear, but apparently he had been asked at least to talk over with Russian leaders the situation of the two countries relative to Korea and Manchuria. Ito, not stopping in England, went directly to Paris, arriving there on November 13, 1901; and the next day Count Hayashi crossed the Channel from London, where he was Japanese Minister, to interview Ito. Hayashi was at the time in the midst of negotiations for the first Anglo-Japanese Alliance, in which he had gone rather far, and was disturbed lest Ito might be about to commence negotiations with Russia. Ito was evidently surprised and somewhat displeased to learn from Hayashi of the progress made in the negotiations with Great Britain, and expressed an opinion that an alliance with Russia was preferable to one with Great Britain. The matter was put up to the Government at Tokyo, which eventually decided that Hayashi should proceed with his negotiations, and that Ito should confine his efforts to informal discussions.¹²

On the Russian side, Alexander Iswolsky, who succeeded Rosen as Minister to Japan in 1900, and who, like Rosen, suffered for his support of a policy of conciliation with Japan,¹³ says of his own efforts in this regard:

In my capacity as representative of Russia at Tokyo I had recommended with insistence a conciliatory attitude toward Japan and an agreement with that country on the burning questions of Manchuria and Korea. My efforts in that direction had resulted in the mission to Europe of that distinguished statesman, Marquis Ito, with the object of attempting a *rapprochement* between Russia and Japan.

That mission, if it had succeeded, would have changed the course of events and prevented the war.¹⁴

Another Russian statesman, who, in his own recollection (supported by the observation of a friendly but competent critic)¹⁵ had before the war accepted the idea of a friendly understanding with Japan, was Sergius Witte, the man who was destined to lay the foundation for such a policy, as chief negotiator for Russia of the Treaty of Portsmouth. Quoting verbatim and with his endorsement a memorandum submitted by General Kuropatkin as Minister of War to his sovereign, urging the sale to foreigners of the Yalu concession, in order not to "maintain a constant source of danger of a break with Japan," Witte says, in his memoirs:

From this viewpoint, I insisted, the Manchurian problem must be solved. I argued that after securing certain guarantees we must evacuate the province. In July, 1903, it became a matter of urgent necessity to come to a definite decision regarding the Manchurian situation. At the same time Japan renewed the negotiations with us regarding the division of our respective spheres of influence in Korea and Manchuria. . . . The Japanese proposal was, upon the whole, acceptable. A conference called on August 1 [1903] to consider the Japanese terms reached essentially the same conclusion.¹⁶

The whole trend of events, however, Witte indicates, was changed by the abrupt appointment by the Emperor, "without the knowledge of the Ministers of War, Finances, and Foreign Affairs," of Admiral Alexieff as Imperial Viceroy in the Far East.¹⁷

Thus it seems fairly clear that, although their efforts proved ineffective at the time, and it took the Russo-Japanese War to show that they were right, leading statesmen of both Russia and Japan even before the war had become convinced that, as the two nations must needs live together in North-eastern Asia, they might as well live in peace; and that the only way in which this could be accomplished was by a friendly understanding, cemented by treaty, with respect to their mutual rights and interests in the area. It seems also clear that they had envisaged some sort of actual, physical division between the areas each should dominate, and that,

before the war, Japan would have been content, at least for the time being, to allow Russia full scope in Manchuria provided Japan were permitted the same freedom in Korea.

Yet, comparatively enlightened as these men were, neither here nor later do we find any hint of doubt or compunction relative to the circumstance that the territories with which they were concerned belonged to other nations and peoples. Rights, to them as to those against whom they did not prevail, were rights of nations, not of peoples, and were to be measured by the capacity of nations to enforce them. Even "interests"—that term which was to be so much used later and which was to acquire a constantly changing significance—in the last analysis meant the interests of governments, not of peoples. However much there may have lurked in the back of their minds a conviction that the extension and the protection of their own rights and interests would benefit the peoples who actually possessed the territories, it did not occur to them to explain or defend such a thesis.

Both the Russian and the Japanese leaders were empiricists. To them, thinking in terms of governments, neither Korea nor China existed. These were figments of international law, shibboleths to be used, at such times and occasions as seemed necessary, to cloak their rights and interests with the form of conventional legality. For all the leaders, the outstanding fact was a contact and friction between the nations of Russia and Japan. For the more enlightened, the problem was to allay that friction by an agreement between the nations in contact, and the way to accomplish this was to divide the territory; for the less enlightened, the problem was to destroy, if possible, the other object causing the friction.

CONTRIBUTIONS OF THE RUSSO-JAPANESE WAR

The defeat of Russia in the war gave the apostles of the new policy their chance. Witte, the foe of the concessionaires, and Rosen, the old friend of Japan, were named to negotiate peace on behalf of Russia. Discontent was general

in Russia. Liberals and conservatives shared the feeling that the war had been an unnecessary humiliation, but the liberals were gaining the upper hand, and were shortly to have their first chance at participation in the government. Iswolsky, who shared Witte's contempt for the concessionaires,¹⁸ and who had been moved from Tokyo to Copenhagen in some disgrace, was being groomed for the post of Foreign Minister, to succeed the outworn Count Lamsdorff.¹⁹ Iswolsky says in his memoirs:

The Treaty of Portsmouth may be considered as favorable to Russia in itself, but that which gave it especial value was its opening the way for a resumption of normal relations with Japan, and more than that—a veritable *rapprochement* and even an alliance between the two countries. . . .²⁰

Count Witte deserves great credit for having foreseen this possibility even before he went to Portsmouth, and for having made indirect overtures, through Dr. Dillon,²¹ to the Japanese ambassador at London. While nothing was accomplished in that direction at the time, Count Witte had not lost sight of his objective when it came time to define the conditions of the treaty, and it was that which gave me the opportunity later, when I was Minister for Foreign Affairs, to pick up the thread of his ideas and to bring about an understanding with Japan which, in its development, bore results so beneficial to Russia and the entire Triple Entente.²²

The question, at the close of the war, was no longer Korea but Manchuria. How much of Manchuria could Russia save? Where must now be that line of demarcation between the respective spheres of interest of the two countries? These were the real questions to be settled at Portsmouth. In other words, where find the formula for future peace?

The Treaty of Portsmouth, signed on September 5, 1905,²³ makes clear, in its own terms, that it was intended to be the first step toward a new era of Russo-Japanese coöperation, through a definition of the respective rights and interests of the parties, in Northeastern Asia.

By Article II, Russia not only surrendered any claim to national interest in Korea, but also acknowledged that in Korea Japan "possesses . . . paramount political, military and economic interests," and might therein take "measures

of guidance, protection and control." By the same article, both nations agreed "to abstain, on the Russo-Korean frontier, from taking any military measures which may menace the security of Russian or Korean territory." Thus was drawn the first solid line delimiting Russo-Japanese spheres of interest on the Asiatic continent.

The first two paragraphs of Article III drew a no less solid line, for by these provisions the area of the Kwantung Leased Territory was, as between the two parties, held to be outside the territory from which Japanese troops needed to be withdrawn and which required to be restored "entirely and completely to the exclusive administration of China."²⁴ It is true that, by Article V, the transfer from Russia to Japan of the rights involved in the lease had to be confirmed by China as the original lessor, but that was a question apart from the *extent* of the rights therein involved. From our point of view here, Russia and Japan drew a line—a solid line—around the Kwantung Leased Territory, saying in effect, that from then on, Russia had no rights within that line; from then on, Japan had certain rights, exclusive to Japan, including the right to maintain troops there and to exercise a certain jurisdiction within it.

Still a third line—one that we might call a broken or dotted line, for it delimited territory not subject to the reservation applying to the Kwantung Leased Territory relative to troops and jurisdiction—was drawn by Article VI. This article transferred, subject to China's consent, that portion of Russia's railroad south of Changchun.

A point should be noted, in concluding this section. The provisions of the Treaty of Portsmouth were almost wholly negative. The two parties here said, "We will not." Time and experience were to be required to develop the policy of saying, "We will." "Rights" and "interests" came to have the beginnings of definition: the "interests" of Japan in Korea were declared to be "political, military and economic" and were "paramount"; the "rights" of Japan in Korea included "guidance, protection and control"; in the Kwantung Leased Territory, there was stated the right

to station troops and to assume a share in the administration; and in the railway, a right to the ownership of property and to the management of a railroad. It was left to the future to determine just what these terms meant. As for the areas outside these lines of demarcation, Manchuria (save for the zone of the Chinese Eastern Railway, which remained *in statu quo* and wherein Russia retained rights equivalent to those she had given Japan with respect to the southern branch) was to be restored "entirely and completely to the exclusive administration of China."

CHAPTER III

THE TREATIES OF JULY 30, 1907

However much the Russo-Japanese War had discredited the jingoists who had controlled Russia's Far Eastern policy, there yet remained a strong feeling in that country that as much as possible should be saved from the débacle. Russia had lost her ice-free port on the Pacific. What was more important for the wellbeing of the Empire, she had lost the greater part of the economic advantage of her Manchurian railway system. Not only had she been compelled to surrender a valuable part of the system itself, but the trade of Southern Manchuria which it had been planned to have move northward and westward into Russia would now inevitably move eastward to Japan. To save as much as they could; to counteract as much as possible of this drift; above all, to safeguard the privilege of exploitation of territory not affected—these were the pressing problems facing Russia's statesmen after the war.

For Japan, the war had brought the responsibilities of empire. Although, paradoxically, neither the war nor the Treaty of Portsmouth, themselves, gave Japan anything (for Japan had good historical reason for believing that the southern half of Sakhalin Island was properly hers, anyway; the camouflaged indemnity of \$20,000,000 did not begin to pay the cost of the war; while Russia had no legal title to transfer to Japan either Korea or the Manchurian leaseholds), yet, in fact, Japan was now impelled to embark upon a policy of continental expansion. It required but negotiations with Korea and China, the satisfactory results of which were reasonably to be anticipated, to fasten upon Japan imperial responsibilities.

Yet her statesmen had every reason to know that the Peace of Portsmouth had come just in the nick of time for Japan.¹ They might well have suspected that Russia was

not beaten, only stunned, and that it might require little more than the emergence in Russia of a popular Ministry, capable of placating the internal discontent, to bring against Japan an irresistible enemy. The problem of Japanese statesmen, then, was to consolidate Japan's position on the mainland as quickly as possible, and to come to such terms with the late enemy as would decrease the likelihood of an attempt at revenge.

For the consolidation of her as yet provisional position on the mainland, Japan had, first, to legalize her status in Korea and with respect to the leaseholds in Manchuria. To three countries in particular, Japan had declared her recognition of the independence of Korea, yet already it was obvious that she could no longer permit Korea to remain independent. The war had served to wipe out the implied obligation with respect to one of these countries—Russia. As to Great Britain, Japan's agreement to respect the independence of Korea, contained in the first Anglo-Japanese Alliance (of 1902), had been erased by its omission in the second treaty, made while the Russo-Japanese War was in progress.² There remained China, to whom she had bound herself in unequivocal terms by the Treaty of Shimonoseki with respect to the independence of Korea.³ But China was negligible—at least could be counted upon to acquiesce in the terms of the settlement with Russia, when the time came.

THE PROTECTORATE OVER KOREA

With respect to Korea, Japan acted promptly. Even before the ratifications of the Treaty of Portsmouth had been exchanged,⁴ the Japanese Minister at Seoul signed with the Korean Government the treaty of November 17, 1905, whereby Korea became a Japanese protectorate.⁵ The "measures of guidance, protection and control" of Korean affairs by Japan, envisaged by the second Anglo-Japanese Treaty of Alliance and by the as yet unratified Treaty of Portsmouth, were provided for; for by the Korean treaty Japan assumed the control and direction of Korea's foreign affairs and the diplomatic and consular representation of Korea

abroad, while another provision gave Japan the right to name a Resident General at Seoul, having the privilege of being received in private and personal audience by the Korean emperor.

TRANSFER OF THE RUSSIAN LEASEHOLDS

In the legalization of the transfer to Japan of Russia's rights in the Liaotung Leased Territory and the railway, Japan moved as quickly. On December 22, 1905, Japan signed with China a treaty whereby China consented to the transfer.⁶ Japan followed this by establishing over the Leased Territory a form of civil administration, and, for the management of the railway, the South Manchuria Railway Company, half of whose stock was reserved to the Japanese Government, which also retained a large measure of control.

THE FRENCH "FORMULA"

The realization of the second part of Japan's objective, that of coming to such an understanding with Russia as would decrease the likelihood of an attempt at revenge, was rendered vastly easier by the circumstance that in both countries those leaders who had foreseen the need for a Russo-Japanese entente were now in power. The judgment of Prince Yamagata and Prince Ito, the Elder Statesmen who had worked so hard for a Russo-Japanese Alliance in 1901 and 1902, stood vindicated by events. No sooner was the Treaty of Portsmouth signed, than these two "commenced working for the conclusion of a Russo-Japanese Convention which should supplement the Treaty of Portsmouth."⁷ With Prince Saionji (another of the Elder Statesmen, and successor to Prince Ito as head of the Seiyukai Party when the latter became President of the Privy Council) as Premier,⁸ Hayashi (negotiator for Japan of the Anglo-Japanese Alliance) as Foreign Minister,⁹ and Motono as Minister to Russia,¹⁰ the human material for developing the entente idea in Japan was prepared. In Russia, Iswolsky, of all Russians perhaps the strongest believer in the idea of a genuine *rapprochement* with Japan, was Foreign Minister.¹¹

Excuse for the commencement of negotiations was to be found in the terms of the Treaty of Portsmouth, which provided for further treaties of commerce and navigation, of fisheries, and for the regulation of the relations between the Russian and Japanese sections of the railway. The actual transfer of the southern branch of the Chinese Eastern Railway to Japan did not take place until August 1, 1906, but immediately thereafter negotiations were commenced in St. Petersburg between Iswolsky and Motono.

The railway convention, the treaty of commerce and navigation, and the fisheries convention, offered little difficulty. But when it came to the general treaty—the one which was to constitute a complete reconciliation and regulate the future relations in Eastern Asia between the two late adversaries, in short, to set up the groundwork of the entente—obstacles were encountered. One obstacle was the hostility and suspicion still latent in certain groups in both countries, particularly in Russia.¹² While details of the negotiations of the general treaty are not available,¹³ we may surmise, on the basis of our knowledge of the terms of the secret treaty which eventuated and of certain attendant circumstances, that a greater obstacle to the progress of negotiations was that Japan wanted, as a basis for the entente, a clear-cut and precise delimitation of the territorial limits within which she would be permitted, without hindrance from Russia, to enjoy her special interests; and that Russia hesitated. Whether Russia's hesitation was as to the general principle of committing herself to a territorial definition, or whether Japan wanted to draw the line further north than Russia was willing to concede, we do not definitely know, but probably it was the latter.¹⁴ Russia had been among the first nations to insist upon a territorial definition of spheres of interest in Eastern Asia, when she had, in 1899, effected the exchange of notes with Great Britain whereby the territory north of the Great Wall was designated as Russia's sphere of railway interest.¹⁵ But what the Russian negotiators probably found hard to swallow was that, whereas all of Manchuria had once been recognized (by Great Britain,

at least, and, by implication, by Germany, also) as Russia's sphere, and whereas Japan had once offered to add her own recognition to that of the other Powers provided she were allowed a free hand in Korea,¹⁶ now the Japanese were insisting upon sharing the area of Manchuria, also. Russia could hardly be blamed for being reluctant to concede to Japan more, even, than had been yielded by the Treaty of Portsmouth. The speed with which Japan had proceeded to give practical definition to her conception of "special interests" in Korea was sufficient indication of what might happen in any other territory similarly designated as one in which Japan possessed special interests.

In this apparent impasse, France came to the rescue.¹⁷ There was every reason for France to take the part of intermediary. She had had experience in territorial definitions; no nation had more boldly or incisively cut off a slice of Chinese territory and made it hers than had France. Annam, as a part of China, had begun by being a sphere of French influence, and had become French territory, thereby automatically (from the French viewpoint) creating of the Chinese territory contiguous thereto a further sphere of French influence.¹⁸ France realized that some sort of formula needed to be devised and accepted by the principal nations in interest to give a rational explanation of such processes. Further, France had, hitherto, "bet on the wrong horse," in Eastern Asia. She must have realized that the Japanese, always tenacious, had not forgotten the Tripartite Intervention of 1896, or that, in company with Russia, France had helped China to pay her indemnity to Japan; and she had reason to feel uneasy over the possible effect on public and official opinion in Japan of her alleged breach of neutrality during the Russo-Japanese War.¹⁹ The circumstance that France was the ally of Russia, and that Japan was simultaneously carrying on treaty negotiations with both Governments, gave France the opportunity not only to come forward as intermediary when the Russo-Japanese negotiations reached a hitch, but also, by her own treaty with Japan, to set the pattern which Russia might follow.²⁰ "The desire

for, or better, the resolve to come to a *rapprochement*," says Gérard, "inspired the negotiators, who were only seeking the necessary formulas and transitions." ²¹

France supplied the formula, by the terms of the Franco-Japanese Treaty of June 10, 1907, the drafting of which, at the request of Hayashi, was entrusted to M. Pichon, French Foreign Minister.²² This formula, for its complete *sang-froid*, its subtle implications, and its bald assumptions, is remarkable, and deserves to be quoted here *in extenso*, since it did, in fact, furnish the psychological pattern which Russia and Japan were soon to follow. Leaving off the *pro forma* preamble and concluding paragraph, the translation of the body of this agreement reads:

The Governments of Japan and France, being agreed to respect the independence and integrity of China, as well as the principle of equal treatment in that country for the commerce and subjects or citizens (i. e., *ressortissants*) of all nations, and having a special interest in having order and a pacific state of things guaranteed especially in the regions of the Chinese Empire adjacent to the territories where they have the rights of sovereignty, protection or occupation, engage to support each other for assuring the peace and security in those regions, with a view to maintaining the respective situation and the territorial rights of the two Contracting Parties in the Continent of Asia.²³

This formula is worth some analysis. Passing over, for the moment, the clause relative to respect for the independence and integrity of China, we note, first, the expressed object of concern, the "special interest," of the Contracting Parties: the preservation of peace and order "especially in the regions of the Chinese Empire adjoining the territories where they possess rights of sovereignty, protection or occupation." These regions are not specified; the formula is flexible, leaving room for expansion. This is particularly significant when the possible implications involved in the expression "rights of occupation" are considered. With respect to such regions within another nation's territory, what did France and Japan contract to do, and with what end in view? As to the first, they engaged "to support each other

for assuring the peace and security in those regions"; in other words, in those parts of China adjacent to the territories where they possessed rights of sovereignty, protection or occupation, each promised the other to preserve peace and order. As to the end in view, this was declared to be "maintaining the respective situation and the territorial rights of the two Contracting Parties in the Continent of Asia." Thus, each constituted itself the guardian of the peace in an indefinite portion of the territory of China. In the light of this, the introductory clause providing for respect for the independence and integrity of China becomes almost meaningless, for the engagements of the two Parties could not, in an eventuality, be carried out, without violating both. Here was no question of the protection of nationals or property, but an engagement, under certain conditions, to take over, in the territory of another state, one of the essential privileges of sovereignty. All that was required by the formula, for such action to be taken, was a unilateral decision on the part of either party that "order and a pacific state of things" were not assured in any portion of the undefined region of China contiguous to its own.²⁴

Susceptible as were the terms of the Franco-Japanese Treaty to almost as broad an interpretation as either party could wish, Japan was not quite satisfied. The territorial definition was too general; Japan wanted it more specific. "Viscount Hayashi requested me," says Gérard, "to explain to M. Pichon the convenience and utility of having the two governments declare to each other in writing the limits of the regions of China where they exercise their respective rights of propinquity and influence." M. Pichon replied through Gérard that he "agreed that by a simple exchange of notes, France and Japan would define these limits, on the one part and as concerned France, as the three southern Chinese provinces of Kwangtung, Kwangsi, and Yunnan; and, on the other part and as concerned Japan, as Fukien, and, in the northeast, the regions of Manchuria, and Mongolia, in which Japan had special rights."²⁵

With that, and with the successful flotation on the Paris

market of a Japanese loan (of the success of which France wished to assure herself before signing)²⁶ the treaty was completed, June 10, 1907.

The double circumstance that her late adversary had been able to refund on better terms and through the assistance of France, Russia's ally, a part of the onerous borrowings of the war, and that France had already, without causing any particular excitement in international circles, laid the general pattern for ententes of this nature, were evidently enough to convince Russia. Three days after the conclusion of the Franco-Japanese Treaty, that is to say, on June 13, 1907, Russia and Japan signed a convention concerning the junction of the Japanese and Russian railways in Manchuria;²⁷ on July 28, the treaty of commerce and navigation and the fisheries convention were concluded;²⁸ and two days later, July 30, Iswolsky and Motono signed the two political treaties, one public, the other secret.²⁹

THE JAPANESE-KOREAN TREATY OF JULY 25, 1907

Before proceeding to an examination of the two political conventions of July 30, 1907, it is necessary to note an action taken by Japan with respect to Korea, on the very eve of the signing of these treaties. On July 10, a meeting of the *Genro*, or Elder Statesmen, was hurriedly summoned at Tokyo to consider what action should be taken to meet the situation occasioned by the action of the Korean Emperor in appealing to the Government of the Netherlands and the Hague Permanent Court of Arbitration to examine into the régime imposed on Korea by the Korean-Japanese Treaty of November 17, 1905.³⁰ As a result of this conference, Foreign Minister Hayashi was dispatched secretly to Korea, there to confer with Marquis Ito, Japanese Resident General. Before Hayashi reached Seoul, the Korean Emperor abdicated. Hayashi and Ito agreed, as had the Elder Statesmen, that "the hour had not yet come to push to extreme limits the chastisement for the felony committed."³¹ Instead, it was decided to make the son of the late ruler Emperor, and to

make a further treaty with Korea, one which would give the Resident General virtually complete control of the government. Such a treaty was signed on July 25, 1907.³²

THE PUBLIC POLITICAL CONVENTION

The Public Political Convention of July 30, 1907, between Russia and Japan, consists of a preamble, two articles, and the usual closing paragraph. Article I constitutes an engagement on the part of each of the High Contracting Parties "to respect the actual territorial integrity of the other, and all the rights accruing from three specified sources, which it is important to note since it was considered important to record them: first, "the treaties, conventions and contracts in force between them and China"; second, "the treaty signed at Portsmouth"; and third, "the special conventions concluded between Japan and Russia." Now that we know the terms of the secret treaty signed simultaneously, it is clear that this was the most important of the "special conventions" referred to, although the world was not aware of it at the time.

Article II contains the kernel of the matter, for after what seems now a somewhat perfunctory reference to recognizing the "independence and territorial integrity of the Empire of China" (the term "Empire of China" being apparently subject to definition, particularly in the light of the terms of the secret treaty signed at the same time, and of Article III of the Treaty of Portsmouth), and the "principle of equal opportunity in whatever concerns the commerce and industry of all nations in that Empire" (it being again a matter of definition what matters might be said to "concern the commerce and industry of *all* nations"), this article proceeds to say that the two High Contracting Parties "engage to sustain and defend the maintenance of the *status quo* and respect for this principle by all the pacific means within their reach."

Here we have two new elements not found in the Treaty of Portsmouth but expressed or implied in the formula of

the Franco-Japanese Treaty. One is the term "*status quo*," the other a mutual obligation to "sustain and defend the maintenance" of this status.

What was meant by the *status quo*? Did it imply the precise, legal state of affairs subsisting throughout Eastern Asia at the time the treaty was signed? Did it involve a restriction on both parties to take no action which would change this state of affairs? If so, would it not mean that Japan, for example, was obligated to leave Korea with the shell of national independence and sovereignty remaining to her after the signature of the treaty of July 25, 1907; and that Russia, on her part, was bound to do nothing to change the status of Mongolia? Yet, anticipating events, we know that each did, subsequently, take action which altered the *status quo* in those regions, as it subsisted on July 30, 1907.

Unquestionably, judging by their own subsequent actions, Japan and Russia were already agreed on a very special interpretation of the term *status quo*, as something in the nature of the flexible thing envisaged by the French formula. It was a definite and self-denying ordinance applicable *only beyond a certain line*. Within the line designating the outer boundary of each nation's sphere of interest, the status might change, provided that nation itself effected or was party to the change; beyond it, it could do nothing to bring about a change. More than that, it was pledged to use "all the pacific means within its reach" to prevent a change that would be unfavorable to the other.

Naturally, under such circumstances, the drawing of an actual physical line was necessary; hence the corollary of the secret treaty, furnishing the interpretation for the public convention.

THE SECRET CONVENTION ⁸³

The preamble of the secret convention defined the objective of the entente, which was "to obviate for the future all causes of friction or misunderstanding with respect to certain questions relating to Manchuria, Korea and Mongolia."

Article I can be read only in connection with the Additional Article, which drew the line of demarcation. This reads:

ADDITIONAL ARTICLE

The line of demarcation between North Manchuria and South Manchuria mentioned in Article I of the present Convention is established as follows:

Starting from the northwestern point of the Russo-Korean frontier, and forming a succession of straight lines, the line runs, by way of Hunchun and the northern extremity of Lake Pirteng, to Hsiu-shuichan; thence it follows the Sungari to the mouth of the Nunkiang, thereupon ascending the course of that river to the confluence of the Tola River. From that point, the line follows the course of that river to its intersection with Meridian 122° East of Greenwich.

With respect to this line of demarcation, to what did each High Contracting Party agree? By Article I, "Japan undertakes not to seek to obtain on its own account, or for the benefit of Japanese or other subjects any concession in the way of railways or telegraphs in Manchuria" to the north of this line, and secondly, "not to obstruct, either directly or indirectly, any initiatives supported by the Russian Government with a view to concessions of that sort in those regions." By the same article, Russia made a similar pledge with respect to the regions of Manchuria to the south of the line.

On the face of it, this looks as if the nature of the possible development of each nation within its sphere (so far as Manchuria was concerned) were specifically limited to "concessions in the way of railways or telegraphs"—that is, an economic development of a specific nature. But the Article starts out, however, with a statement which shows that no such limitation was intended: "Having in view the natural gravitation of interests and of *political and economic activity* in Manchuria. . . ." Certainly, the possibility was envisaged of some sort of political as well as economic activity in Manchuria.

So much for Manchuria. Article II sets aside Korea for special treatment. Here, "relations of political solidarity between Japan and Korea resulting from the conventions

and arrangements at present in force between them" are recognized, and Russia "undertakes not to interfere with nor to place any obstacle in the way of the *further development* of those relations." Manchuria had been envisaged as possessed of a "natural gravitation of interests and of political and economic activity"; Korea is seen as subject to "further development" in the way of relations with Japan.

By Article III, Outer Mongolia is similarly detached as subject to special treatment, for here Japan, "recognizing the special interests of Russia . . . , undertakes to refrain from any interference which might prejudice those interests." Again, obviously, some sort of activity on the part of Russia is foreseen, with which Japan is not to interfere.

Mongolia as a whole, we may believe, was one of the points on which the parties disagreed during the negotiations; for, on May 9, 1907, Bakhmeteff, Russian Minister to Japan, telegraphed from Tokyo to the Russian Foreign Office that Hayashi demurred at including in the treaty a provision touching Mongolia, "as it might be interpreted in China in a sense unfavorable to Japan," and had instructed Motono to present a new draft.³⁴ Possibly, Russia had wanted to include in her sphere all of Mongolia, and the eventual designation of Outer Mongolia, only, without any reference to Inner Mongolia, represented a compromise—the "extreme limits of the concessions Japan was prepared to make," to which Gérard refers.³⁵

Thus was a new line drawn on the map of Eastern Asia, this one dividing Manchuria into north and south, and separating Outer from Inner Mongolia. While made secretly and without consultation with the nation whose territories were involved, and presumably without consultation with other nations which, by virtue of their treaties with China, also had rights and interests in the territories,³⁶ it was to be respected by the two parties making it, for over a decade. Like the Treaty of Portsmouth, the Conventions of 1907 were to be regarded by them as basic. Unlike that Treaty, they carried positive obligations to support and defend what had been established.

Thus, as Gérard says, the new accord

placed before the two governments a new text, a text not only of peace, but of entente and friendship; one which opened an era of common action, of coöperation between the two countries. Russia and Japan were thenceforth freed to return to that policy which the majority of Japanese statesmen . . . had always considered as most in conformity with their common interests, indeed, with their mission in the Orient.³⁷

CHAPTER IV

THE TREATIES OF JULY 4, 1910

With the conclusion of the Russo-Japanese treaties of 1907, Japan had bound to herself by a series of ententes recognizing her "special interests" in Eastern Asia—with all that the term was beginning to imply—three of the chief Powers having interests in the area. There remained two, whose interests, while small, were growing. About one of these, Germany, Japanese statesmen might feel fairly at ease for the moment. On October 16, 1900, Germany had signed with Great Britain a treaty respecting the Far East—one from the operations of which the German Government rather carefully explained that it considered Manchuria excluded.¹ Furthermore, Germany had herself a leasehold and a sphere of interest in China. Finally, both the British and Japanese Governments had been willing at the time, to make out of the original Anglo-Japanese Alliance a tripartite affair to include Germany, had she wished to join, but evidently that country had considered it unnecessary in view of the Anglo-German entente concluded only two years before.²

There remained the United States, the growth of whose interests (as yet wholly commercial) might bring her into conflict with the Russo-Japanese interpretation of their special interests in their respective spheres of interest. The United States did not object to "spheres of interest" *per se*; at least, the first Hay Note of September, 1899, had specifically recognized their existence; but even that Note had stated that the United States would in no way "commit itself to any recognition of the exclusive rights of any power within or control over any portion of the Chinese Empire," and had expressed the apprehension of the United States Government that there was "danger of complications arising between the treaty powers which may imperil the rights insured to the United States by its treaties with China."³ The

re-expression of the American concept of the "Open Door" in Hay's further notes of 1900 and 1905, and the American protest in 1902 against the grant of exclusive concessions to Russia in Manchuria,⁴ were beginning to make it appear that the American interpretation of the rights which a nation was entitled to enjoy in its "sphere of interest" was considerably different from the Japanese and Russian interpretation, as envisaged in their treaties of 1907. Apparently, what the United States conceived of as the attributes of a "sphere of interest" were the actual concrete rights and privileges definitively granted by treaties and agreements between one nation or its nationals and another nation—rights and privileges which were inclusive, not exclusive, and which did not operate to debar citizens of a third country from acquiring, if they so chose, by similar agreements similar or corresponding rights within the sphere. Further, it was becoming clear that the United States regarded a "sphere of interest" as something purely commercial, carrying with it of itself no political implications, and not detracting from the right of the country, in whose territory the sphere was located, to enjoy full rights of political administration and sovereignty.

Japan's next action, therefore, appeared to be an attempt to draw the United States into some sort of agreement which, by utilizing the same terms (that is, the "formula" of existing ententes), would place her in the position of appearing to accept the same interpretation of these terms as had been accepted by the parties to the earlier ententes.

THE ROOT-TAKAHIRA EXCHANGE OF NOTES ⁵

That such was the objective of the exchange of notes effected on November 30, 1908, between American Secretary of State Elihu Root and Ambassador Takahira, seems a reasonable deduction. Speaking of this exchange of notes, which, he says, closely resembled a draft which Takahira's predecessor in Washington, Aoki, had proposed the year before and which had been rejected by the Saionji Cabinet as unnecessary, Hayashi says in his *Memoirs*:

When the telegram [from Aoki] was received at the Foreign Office, the opinion was firmly held that such conditions as those proposed, namely, to respect the mutual privileges of Friendly Powers, ought to be regarded as the ordinary etiquette of international affairs. . . . In such case, Viscount Aoki's proposed treaty could only be regarded as superfluous. And if it were concluded, it would only arouse suspicion that some question had existed of a nature to cause friction between the two countries, and necessitating the conclusion of a treaty which otherwise would have been without a definite object. . . . What was the reason which made Prince Katsura regard its conclusion as a necessity, when last year he opposed it, is unknown.⁶

What were the terms of this agreement which either meant nothing or meant that some question existed "of a nature to cause friction between the two countries, and necessitating the conclusion of a treaty?"

The introductory paragraphs of the notes mention that Japan and the United States hold "important outlying insular possessions in the region of the Pacific Ocean," and declare that "the Governments of the two countries are animated by a common aim, policy, and intention in that region." The first article declares it is the "wish of the two Governments to encourage the free and peaceful development of their commerce on the Pacific Ocean." The second states:

The policy of both Governments, uninfluenced by any aggressive tendencies, is directed to the maintenance of the existing *status quo* in the region above mentioned and to the defense of the principle of equal opportunity for commerce and industry in China.

Article III declares:

They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in said region.

And Article V states:

Should any event occur threatening the *status quo* as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other as to what measures they may consider it useful to take.

It might be argued that by the language of the notes,

under a strict interpretation, China was deliberately distinguished from the "region of the Pacific Ocean," the *status quo* of which Japan and the United States desired to maintain. Yet it is difficult to escape the belief that even a careful reader of this exchange of notes might easily be led to think that the United States had here been drawn into an acceptance of the terminology of the existing ententes, and thereby of the state of affairs created by these ententes. Says Ambassador Gérard, in this regard (*Italics added*):

The accord between the United States and Japan, like the Anglo-Japanese Alliance, and like the accords between Japan and France and Russia, was founded upon the maintenance of the territorial *status quo*, upon respect for the independence and integrity of China, and upon the principle of equality of treatment for the commerce and industry of all nations in the Middle Kingdom. *It thus bound itself to all the acts which had established and consecrated the political status of Eastern Asia.*⁷

It would appear as though that was precisely the impression which Japan wished to have made—that a question of policy on which the Japanese and American Governments had disagreed was now settled. Such, as we shall also see, was the impression actually made on American business men and Chinese officials who, at the moment, were seeking to test the validity of the principle of the open-door principle as applied to Manchuria. The United States was to demonstrate, later, that no such impression was intended, but not until serious damage had been done.

THE PUBLIC CONVENTION OF JULY 4, 1910.⁸

Having thus paused to note the possible implications of the Root-Takahira exchange of notes as an attempt by Japan to draw the United States into a formal acceptance of at least the terminology of existing ententes, particularly with respect to maintaining the *status quo* in Eastern Asia, we may now turn to an examination of the next two Russo-Japanese treaties which were to carry their entente an appreciable step further. By comparing each of these treaties with the cor-

responding one of 1907, we may perhaps discover in what way they differed, and why they were deemed necessary.

Examining, first, the public Convention of July 4, 1910, we find, as compared with the equivalent 1907 treaty, an addition, an omission, and a change of phraseology, all of them significant.

The addition consists of Article I:

For the purpose of facilitating the communications and developing the commerce of the nations, the two High Contracting Parties engage mutually to lend to each other their friendly coöperation with a view to the improvement of their respective lines of railroad in Manchuria, and to the perfecting of the connecting service of the said railways, and to refrain from all competition unfavorable to the attainment of this result.

Bearing in mind the provisions of Article I of the secret Treaty of July 30, 1907, it is at once clear that what Japan and Russia did by Article I of this public Convention of 1910 was to transfer into a public treaty an obligation already assumed by an existing secret convention. In short, a secret obligation between two parties had now become, in addition, public notice to third parties whose interests might be involved.

We leave this point, for the moment, with the question: Why did Russia and Japan decide to transfer this provision from a secret into a public treaty? What had happened to make them believe that joint *public* notice of their intentions was now necessary?

Turning, now, to the omission, in the public treaty of 1910, of a provision found in the corresponding one of 1907, we find this to consist in the deletion of any reference to the "independence and territorial integrity of the Empire of China and the principle of equal opportunity." Was this an oversight, or by design?

The change of phraseology is this: In the closing paragraph of Article II of the 1907 convention, the parties "engage to sustain and defend the maintenance of the *status quo* and respect for this principle by all the *pacific means* [*Italics added*] within their reach." Over against this,

the reference to the *status quo*, in Article III of the 1910 agreement, reads thus:

In case any event of such a nature as to menace the above-mentioned *status quo* should be brought about, the two High Contracting Parties will in each instance enter into communication with each other, for the purpose of agreeing upon the measures that they may judge it necessary to take for the maintenance of the said *status quo*.

Remembering that this was a public treaty and operated as notice to third party governments, we can see that Russia and Japan here served notice that, whereas they had previously contracted to sustain and defend the *status quo* by all *peaceful* means, they now agree to sustain and defend it by *whatever measures they may judge it necessary, after consultation together, to take*. The change is of obvious significance. "We will not" has become "We will." While still, on the surface, a consultative pact, it borders close on a defensive alliance.

THE SECRET CONVENTION ⁹

A comparison of the provisions of the two secret conventions reveals equally significant changes. By Article I of the 1910 treaty,

Russia and Japan recognize the line of demarcation fixed by the Additional Article of the secret Convention of 1907 as delimiting the respective spheres of their special interests in Manchuria.

This represents no change, quantitatively. But the next Article shows immediately a qualitative change of great importance. Whereas the 1907 treaty had been almost wholly negative, each party agreeing *not* to seek on its own behalf or otherwise "any concession in the way of railways or telegraphs in Manchuria" beyond the line of demarcation, Article II of the 1910 agreement reads (*Italics added*):

The two High Contracting Parties undertake to respect reciprocally their special interests in the spheres above indicated. They consequently *recognize the right of each, within its own sphere, freely to take all measures necessary for the safeguarding and the defense of those interests.*

And by Article III (*Italics added*):

Each . . . undertakes not to hinder in any way the *consolidation and further development of the special interests* of the other Party within the limits of the abovementioned spheres.

Remembering that the agreement of 1907 had made note of "the natural gravitation of interests and of political and economic activity in Manchuria," Article IV of the treaty of 1910 is even more interesting, in its initial obligation (*Italics added*):

Each of the two High Contracting Parties undertakes *to refrain from all political activity within the sphere of special interests of the other in Manchuria.*

Thus, whereas the treaty of 1907 had been, as between the parties, self-denying—a mutually assumed obligation *not to do* something,—that of 1910 recognized the right of the other party *to do* something. Article II specified this as "the right of each, within its own sphere, freely to take all measures necessary" for the safeguarding and the defense of its special interests; Article III envisaged some sort of "consolidation and further development of these interests"; while Article IV plainly indicates that each, within its own sphere, might indulge in "political activity."

But it is a sentence in Article V which particularly arrests attention, for here is found a pledge even more precise than is contained in the public convention (*Italics added*):

In the event that these special interests should come to be threatened, the two High Contracting Parties *will agree upon the measures to be taken with a view to common action or to the support to be accorded for the safeguarding and the defense of those interests.*

The measures which, by the public convention, they had announced that they might judge it necessary to take, were for the "maintenance of the *status quo*"; those which they secretly promised each other to take are for "the safeguarding and the defense" of their special interests. In short, the "*status quo*" and the "special interests" of Russia and Japan are treated as synonymous terms.

We may be persuaded that, in the private minds of Russian

and Japanese statesmen, the terms "*status quo*" and "special interests" had always been regarded as synonymous. But what had happened, in the three years intervening since the treaties of 1907 were signed, to convince them that, whereas the whole aim of their earlier policy had been to separate their interests, this very separation had now become a joint interest which they were bound mutually to defend, whether by peaceful or other means? And why did they feel that they might now with impunity discard, even in the public treaty, any reference to respecting the independence and territorial integrity of China?

THE AMERICAN INTERVENTION

The answer is to be found in a series of events which had made it clear that, unless Russia and Japan took decisive steps to prevent it, the walls of special privilege which they had sought to build up around their respective spheres of interest might be broken down.

In Mukden, viceregal capital of Manchuria and provincial capital of Shengking (Fengtien), there was stationed a hitherto obscure young man as American Consul General. This man, Willard Straight, according to his biographer, "hoped to substitute for the existing scramble for concessions some measure of international financial coöperation in lending money to China and in providing the machinery for her industrial development."¹⁰ He thought Manchuria would be a good place to begin, even though, by virtue of existing arrangements which we have been studying, it was one part of China where there did not exist a "scramble for concessions."

He found sympathetic listeners in Tang Shao-yi, Governor of Shengking, and in Viceroy Hsü Shih-chang. Both chafed under the Russo-Japanese economic yoke in Manchuria. As far back as September, 1907, we are told, Governor Tang had "summoned to Mukden representatives of French and British capital," and to Lord ffrench, representative in China of Pauling and Company, a firm of British contractors, and

to Mr. J. O. P. Bland, who represented the British and Chinese Corporation, he "submitted the project for the building of a northerly extension from some point on the existing Imperial line from Peking to Mukden."¹¹ On November 8, 1907, Lord French signed a contract providing for the building by Pauling and Company of a line from Hsinmintun to Fakumen.¹²

It was not difficult for Straight to persuade the British interests to welcome American capital into the general scheme of building a railway in Manchuria, particularly as the Pauling contract encountered immediate trouble in the opposition of Japan and in the failure of the company to obtain the support of the British Government.¹³

At this time (the autumn of 1907) Straight had already gained the interest of Edward H. Harriman, who, immediately after the close of the Russo-Japanese War, had sought to acquire the South Manchuria Railway, and who had never quite given up his grandiose idea of a globe-encircling railway system. By the autumn of 1908, Straight was able to carry home with him to America to show to Secretary of State Root and, with his permission, to Harriman, "a draft agreement between the Manchurian administration and a group of American financiers for the investment of American capital in Manchuria."¹⁴ At the same time, Tang Shao-yi was dispatched to America by Yuan Shih-kai, Minister for Foreign Affairs and leader of the Chinese party supporting the Manchu Dynasty, ostensibly to convey the thanks of China for the American remission of the Boxer Indemnity, but actually to aid and abet Straight's efforts.

Straight arrived first in Washington, to find Root in the midst of negotiations with Ambassador Takahira. Straight showed Root his draft agreement, and asked for permission to show it to Harriman. Root delayed two weeks before giving the necessary authorization. Straight's biographer says:

There was manifestly some hesitation on Mr. Root's part in lending official support to the project. . . . The Secretary was disposed to back up an enterprise which looked towards American entrance

into Manchuria by means of the "open door," but he was at the time negotiating an agreement with Japan, and he did not want to assume an attitude or to lend assistance to a project which would arouse Japanese opposition.¹⁵

Straight pled for delay, at least long enough to give Tang Shao-yi a chance to arrive and to present his case. The best Straight could get was a promise that Tang should be shown the drafts of the exchange of notes with Japan before they were actually signed. Tang arrived in Washington on November 30, 1908; at noon that day Root showed him the notes; and at four o'clock in the afternoon they were signed. Straight's diary of February 2, 1910, contains this entry:

That was a bad business. As I think it over now, I am sure that Tang had something big up his sleeve and that his reluctance to discuss the Loan and his apathy when he arrived were due to his feeling that he had been forestalled, that he had never been given a chance.¹⁶

In spite of this initial set-back, Straight went ahead, still urged on by the Chinese Government and with assurances that, should he succeed, the British interests already in the field would coöperate.¹⁷ Harriman had faith in Straight, persuaded him to leave the service of his Government, and sent him back to China to act as the representative of what had now become the "American Group."¹⁸

On October 2, 1909, Straight signed with the Viceroy of Manchuria and the Governor of Shengking on behalf of the American Group and Pauling and Company a preliminary agreement for the financing, construction and operation of a railway from Chinchow to Aigun.¹⁹ The preliminary agreement was confirmed by Imperial Edict on January 21, 1910.²⁰

While the preliminary agreement thus had full authority, it needed by its terms to be followed by a specific construction contract. Such a contract was signed April 26, 1910.²¹

NOTES

NOTES TO CHAPTER I

¹ An excellent examination of the influence of geography on the development of Chinese civilization is to be found in Otto Francke, *Geschichte des Chinesischen Reiches*, Part I, Chapter I. Speaking of the northeastern mountain range, he says:

"This mountain range, which forms the approach to the high steppe-plateaus of the Mongolian peoples, has been a dividing wall for the nomad and stock-raiser against the colonist and agriculturist of extraordinary significance to the destinies of the land." Otto Francke, *Geschichte des Chinesischen Reiches*.

² As Owen Lattimore, *Manchuria: Cradle of Conflict*, points out:

"Signs of the influence of Chinese culture can be detected in the remotest parts of the country, and must often antedate by generations the actual arrival of Chinese colonists in decisive numbers. One of the important tasks of future research in Manchuria and Mongolia must be to determine how far Chinese influences were carried and actively propagated by the Chinese, and how far they were brought back as part of the plunder by admiring non-Chinese raiders and conquerors." Owen Lattimore, *Manchuria: Cradle of Conflict*, p. 6. Hereafter cited as Lattimore.

In this connection note, also, C. De Sabir, *Le Fleuve Amour: Histoire, Geographie, Ethnographie*, who devotes a chapter to descriptions of tablets inscribed in Chinese and found along the Amur by the early Russian adventurers.

³ It is worth noting that the Chinese records, *Han Shu* (94/4), and *Yen Ko Piao* (11/2, 7, 13, 14, 29), which, as records of *traditionally accepted* situations, cannot be lightly dismissed, however uncertain they themselves may be in the matter of the precise time of their writing, describe, as three prefectures belonging to the feudal state of Yen (Fourth Century, B.C., with its capital at or near the present city of Peiping): Yupeiping (apparently corresponding closely, territorially, to the present province of Jehol), Liaohsi, and Liaotung. These last two, as their names imply, must have been situated one to the west, the other to the east, of the Liao River.

It is also worth noting that later Chinese records (notably the *Wei Chih*, 30/10-11; the *Tsin Shu*, 14/21-23; 97/2; the *Tang Shu*, 210/1-3; the *Liao Shih*, 1/4, 7, 9; 2/4-7; the *Sung Shih*, 4/8; the *Chin Shih*, 24/1-18; the *Yuan Shih*, 59/1-6; the *Sheng Ching Tung Chih*, 10/2-3; and the *Ming Shih*, 37/2 ff; 41/10-15) indicate that all or large portions of what is now called Southern Manchuria and the Province of Jehol formed a province, or provinces, or part of one of the provinces of China, directly

administered by a central administration, during the Wei, Tsin, Tang, Liao, Sung, Chin, Yuan, and Ming Dynasties, that is to say, during almost the whole of Chinese history from 221 A.D., down to the Manchus (1644-1911 A.D.).

⁴ In contradistinction to the evidence of direct administration by China of Southern Manchuria and Jehol, cited in the preceding note, we find the Chinese records referring to the existence, north of the Liao-Sungari watershed and west of the Khingan Mountains, of a series of kingdoms or principalities, sometimes acknowledging Chinese suzerainty, but more often at war with or hostile to China.

⁵ Foreign anthropologists have incurred the ire of some Chinese scholars (See Hsü Shuhsi, *China and her Political Entity*, p. 3, footnote) for having adopted, as a broader term to include a number of ethnically related tribes, among them the Manchus, and taking in both forest and desert tribes, the term "Tungus." No confusion need result, however, when it is borne in mind that the term "Tungus," as used by modern anthropologists, is a purely anthropological term which has little or no relation to the *locale* of the various tribes coming within the group. As both Waldemar Jochelson, "Peoples of Asiatic Russia," *Report, 1928*, American Museum of Natural History, pp. 15, 18, 241, and Shirakogoroff, *Anthropology of North China*, p. 104, point out, the "Tungus" as an ethnic group displayed an astonishing adaptability to environment, taking on the character of hunters, herds-men, or agriculturists, as the particular economic environment dictated.

⁶ On this point, Waldemar Jochelson, *op. cit.*, p. 241, says:

"One of the Tungus tribes, the Manchus, after being Chinesized, became the rulers of China."

Owen Lattimore, *op. cit.*, pp. 45-46, adds to this:

"It has never been sufficiently emphasized how *Chinese* the Manchus were by the time they entered China. Still less has it been realized how far they were outnumbered, in Manchuria itself, by the Chinese. . . .

"The Manchus had taken on a thoroughly Chinese color. The two emperors who ruled from Mukden before the entry into China were emperors in the Chinese manner. It is not too much to say that the final conquest . . . was less an alien invasion than the triumph of the strongest regional faction in a colossal Chinese civil war."

It is, of course, well known that the Manchus were aided in their conquest by very considerable units of Chinese "Bannermen," or military contingents, who were treated on an equality with the Manchu Bannermen.

⁷ Alexis Krausse, *Russia in Asia: a Record and a Study, 1558-1899*, p. 23. Hereafter cited as Krausse.

⁸ *Ibid.*, pp. 23-24.

⁹ While eventually the Russian Court came to realize the value of these bands as a part of a scheme of national expansion, and utilized them as guards for the settlements which later sprang up in their train, it seems reasonably certain from the Russian records of these expeditions that, for the most part, they were pillaging expeditions, pure and simple, sometimes

rewarded by the Russian Emperor with small grants of money but not infrequently reprimanded for their excesses. Thus we find an Imperial Ukase of 1655, which De Sabir refers to as follows:

"It praised and encouraged the Cossacks, but exhorted them to treat with kindness the native inhabitants who had already submitted, and to avoid all conflict with the Chinese." C. De Sabir *Le Fleuve Amour: Histoire, Geographie, Ethnographie*, p. 16. Hereafter cited as De Sabir.

¹⁰ A record of the Poyarkoff expedition of 1643, which is cited by De Sabir, is a document entitled, in translation: *Facts gathered by the merchant Grygori Wyjivstof and Pismennoi Golova concerning the route from Yakutsk down the Shilka, as well as concerning the peoples living along the rivers and waterways, May 27, 1647.*

¹¹ De Sabir notes that when Zinovieff joined the Khabaroff expedition (1653), he "distributed three hundred twenty pieces of silver among the Cossacks and sought to establish a little discipline. But when he proposed to them that they take up the culture of the fields in order to prepare for the provisioning of the company that were coming to the Amur, discontent became general, for the Cossacks found it more agreeable to pillage along the course of the stream and thereby live at the expense of the inhabitants." De Sabir, *op. cit.*, p. 13.

¹² *Ibid.*, p. 4; and Krausse, *op. cit.*, p. 26.

¹³ It is interesting to note that the native tribes trading with the Chinese told the Russians that "the Chinese go by sea to carry on this traffic." De Sabir, *op. cit.*, p. 2.

¹⁴ The Daurians whom the Poyarkoff expedition encountered "possessed beasts and much grain." De Sabir, *op. cit.*, p. 4.

¹⁵ De Sabir, *op. cit.*, p. 6. It should be noted, however, that at the time of the Poyarkoff expedition, the Manchus were engaged in the conquest of China. That expedition numbered a total of one hundred thirty-five men.

¹⁶ Krausse, *op. cit.*, p. 32.

¹⁷ *Ibid.*, p. 34.

¹⁸ De Sabir, *op. cit.*, p. 26.

¹⁹ The nearest Manchu towns were Ninguta and Ilan-Khal, in what is now Kirin.

²⁰ De Sabir, *op. cit.*, p. 20.

²¹ *Ibid.* These figures are from Russian sources. Chinese records appear to indicate a smaller Chinese force.

²² For the Chinese and Russian texts of the Treaty of Nerchinsk, see *Treaties, Conventions, etc. between China and Foreign States* (second edition, 1917), I, 3, and i. Chinese Maritime Customs, Shanghai. Hereafter cited as *Customs Treaties*. For an English translation from the Russian, see Krausse, *op. cit.*, Appendix B.

It is interesting to note that the last paragraph of the treaty provided that it should be "engraved on stones in Tartaric, Chinese, Russian, and Latin, to be erected on the frontiers between the two empires." According to the Chinese record *Shui Fang Pei Cheng*, 8/6, 1, such stones were actually

erected, one on the banks of the Argun River, another on the Kerbechi, and a third at the point where the boundary left the crest of the outer Khingan Mountains for the sea. Both this Chinese record, and the Russian records culled by De Sabir (*op. cit.*, p. 44), agree that as late as 1803-1805, the time of the Golovine embassy to Peking, these stones were as De Sabir states it, "restaureés chaque année, remplaçant les bornes terminales primitives." These would appear to bear out Dr. Payson J. Treat's criticism (*The Far East*, p. 121) that the Manchus "stupidly or carelessly failed to place the boundary stones along the real watershed, while an undefined boundary was left between the mountains and the ocean."

De Sabir says (*op. cit.*, p. 34, footnote) that "the celebrated Russian sinologue, the late Père Hyacinthe Bitchourine, tells of having seen this stone upon which was engraved an extract from the treaty, but, through fault of the engraver, it stated that all the rivers and their confluents which flowed toward the south belong to Russia."

²³ H. B. Morse, *The International Relations of the Chinese Empire*, I, 472-3.

²⁴ Citations for texts of the following treaties:

Treaty of Kiahkta, October 21 (old style), 1727:

—*Sbornik dogovorov Rossii s Kitaem, 1869-1881* (Collection of Treaties between Russia and China, 1689-1881), pp. 50-83.

—*Tiao Yueh*, (Treaties), "Yung," 2/5.

—*Customs Treaties*, I, 8, XXI, XXXIII.

Treaty of Kulja, July 25 (old style), 1851:

—*Sbornik dogovorov Rossii s Kitaem, 1869-1881*, pp. 96-109.

—*Customs Treaties*, I, 21, 1.

Treaty of Aigun, May 28 (new style), 1858:

—*Sbornik dogovorov Rossii s Kitaem, 1869-1881*, pp. 110-121.

—*Customs Treaties*, I, 81-84.

(An English translation of this treaty is given in A. Hosie, *Manchuria: its People, Resources and Recent History*, pp. 138-139).

Treaty of Tientsin, June 13 (new style), 1858:

—*Sbornik dogovorov Rossii s Kitaem, 1869-1881*, pp. 122-158.

—*Customs Treaties*, I, 85-100.

Treaty of Peking, November 14 (new style), 1860:

—*Sbornik dogovorov Rossii s Kitaem, 1869-1881*, pp. 159-187.

—*Customs Treaties*, I, 101-126.

²⁵ Payson J. Treat, *The Far East*, p. 125.

²⁶ At an extraordinary meeting of the Council of Ministers held on December 2, 1910, at St. Petersburg. B. De Siebert and G. A. Schreiner, *Entente Diplomacy and the World*, pp. 24-27. Hereafter cited as De Siebert and Schreiner.

²⁷ J. V. A. MacMurray, *Treaties and Agreements with and concerning China*, I, 35, 40, 42. Hereafter cited as MacMurray, *Treaties*. As this collection is rather generally available, and cites original sources, reference hereafter will largely be to this work, in the case of treaties.

²⁸ *Ibid.*, pp. 77 ff.

²⁹ For a discussion of the Russo-Chinese Secret Treaty of Alliance of June 3, 1896, and of the so-called "Cassini Convention," see C. Walter Young, *The International Relations of Manchuria*, Appendix A., pp. 253 ff. In view of the importance attached to this agreement by the Japanese, and the circumstance that the *full text* of it has never been published, a facsimile of the original, and an English translation, are attached as *Appendix A*.

³⁰ MacMurray, *Treaties*, pp. 77 ff.

³¹ For Russo-British correspondence on this subject, see *British Parliamentary Papers*, "China," No. 1 (1899), Nos. 56 and 114.

³² For a summary of the first negotiations for the rendition of Weihaiwei, see *China Year Book*, 1924, Chapter XXVIII.

³³ *Dokumenty po peregovorom s Japoniej 1903-1904* (Documents on the Negotiations with Japan 1903-1904), contains on page 13, a document, entitled "No. 1," bearing the date "St. Petersburg, June 11 [old style], 1903," which reads as follows, in translation:

"The Retinue of H. M. Rear-Admiral Abaza to State-Secretary Bezobrazov, Port Arthur:

"The Emperor directs you to take into consideration that His Majesty has made a final decision to admit the Japanese to a complete conquest of Korea, possibly even extending to the borders of our concession at Tumen-ula [the Tumen River] on the north and to the borders of our Yalu concession on the west.

"A more detailed determination of the frontiers of Japanese Korea is a question for the future and must depend on Russia.

"Such an admission must not be communicated to Japan prior to the arrival of troops sent from Russia to Trans-Baikal, so that it will not appear as a concession.

"The Emperor supposes that if Japan is given a concession in the Korean question, we shall avoid the risk of collision with her."

Whether or not this decision on the part of the Russian Emperor was ever communicated by Bezobrazov to the Japanese Government is not known.

NOTES TO CHAPTER II

¹ On joining the Ministry of Foreign Affairs immediately upon the completion of his academic training, Rosen was assigned to the Asiatic Department and placed in charge of the Japanese Bureau. In 1875, he was transferred to the field as Secretary of Legation, Tokyo, at which post he remained, with one brief interval, until 1883. In 1897, having meanwhile served in various other diplomatic posts, he was appointed Minister to Japan. In 1900, he was moved to Munich, being, as he thought, "demoted" for having opposed the dominant Court policy with regard to Japan and Korea. In 1903, he returned again as Minister to Japan, remaining to have

his passport handed to him on February 6, 1904. For details, see Baron Rosen, *Forty Years of Diplomacy*, *passim*.

² Baron Rosen, *Forty Years of Diplomacy*, I, 145-146.

³ *Ibid.*, pp. 145-146.

⁴ *Ibid.*, p. 148.

⁵ *Ibid.*, p. 147.

⁶ Motono was to be returned to St. Petersburg, later, as Japanese Ambassador, and in that capacity to sign several of the treaties which are the object of our study.

⁷ Baron Rosen, *Forty Years of Diplomacy*, I, 146.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*, p. 157.

¹¹ *Ibid.*, p. 158-159.

¹² *The Secret Memoirs of Count Tadasu Hayashi*, pp. 143-167. For an evaluation of this book as edited by A. M. Pooley, see *Annotated Bibliography*, under the sub-head *Secondary Materials*. The account of the meeting between Ito and Hayashi, and of the decision of the Tokyo Government, as here summarized, is based by Pooley on a double source: the newspaper articles published in the Japanese press (presumably with at least the consent of the Hayashi family), and an alleged additional manuscript which Pooley insists bore the signature of Count Hayashi.

¹³ "I had every reason," writes Iswolsky in his memoirs, "to consider my appointment to Copenhagen in the nature of a disfavor, because while I was in Tokyo, I had been resolutely opposed to the 'strong' policy adopted by Russia toward Japan . . ." Alexander Iswolsky, *Recollections of a Foreign Minister (Memoirs of Alexander Iswolsky)*, translated by Louis Seeger, p. 5. Hereafter cited as Iswolsky.

Possibly to the list of supporters of the conciliatory policy should be added Prince Lobanoff, predecessor to Muravieff as Russian Foreign Minister. Of Lobanoff, Rosen says (Rosen, *op. cit.*, I, 126) he had had his "eyes opened" to the necessity of "treating Korean affairs with the utmost caution," and that Lobanoff's death, on August 30, 1896, had put a stop to some forward-looking measures which he had initiated to that end.

The son of Prince Lobanoff (who, in writing his own name and other Russian names ending in what in this book is transliterated *-off*, uses the terminal *-ov*) says of his father's death: ". . . his untimely death did not allow him to develop his policy," and that, thereafter, ". . . the direction of Russia's foreign policy fell into weak hands. . . ." Prince A Lobanov-Rostovsky, *Russia and Asia*, pp. 215, 226.

¹⁴ Iswolsky, pp. 4-5. Iswolsky was a protégé of Prince Lobanoff, and served under him when Lobanoff was Ambassador to Turkey.

¹⁵ E. J. Dillon, for whom see Note 21, below.

¹⁶ *Memoirs of Count Witte*, translated by A. Yarmolinsky pp. 121-123. Hereafter cited as Witte.

¹⁷ *Ibid.*

¹⁸ Iswolsky called them "that irresponsible coterie," and Witte described them as "jingoist adventurers." Iswolsky, *op. cit.*, pp. 4-5; and Witte, *op. cit.*, p. 102.

¹⁹ Iswolsky, *op. cit.*, pp. 14-15.

²⁰ *Ibid.*, pp. 125-126.

²¹ Dr. E. J. Dillon (who as Russian correspondent for the London *Daily Telegraph* for many years, gained not only an intimate knowledge of Russian diplomacy but also the personal friendship of Count Witte), in his book, *The Eclipse of Russia*, Chapter XV, describes this incident with much more thoroughness than does Witte or Iswolsky. Dillon acted as intermediary in trying to persuade the Japanese Government, through Hayashi, to get Ito appointed as chief plenipotentiary for Russia. Dillon says that Witte wanted Ito "invested with full powers to arrange not merely such a peace as is ordinarily possible after a hard-fought campaign, but also cordial friendship, the outward sign of which would be an alliance for all purposes of the future development of the two peoples. . . . The war could not . . . be followed by formal peace only; it must be obliterated by friendship as well. That . . . became the keystone of the arch of Russia's foreign Far Eastern policy as M. Iswolsky envisaged it ever since." E. J. Dillon, *The Eclipse of Russia*, pp. 301-303.

²² Iswolsky, pp. 125-126.

²³ MacMurray, *Treaties*, I, 522-528.

²⁴ The significance of this article appears to have been overlooked by many publicists. A bilateral treaty naturally binds only the two parties; on the other hand, it operates as notice to third parties whose interests and rights may be involved. When such a third party (in this instance China, as the nominal sovereign over the territory involved) not only does not protest the instrument by which its rights are affected, but even cites the very Article which operated to draw a line between "Manchuria" and the Kwantung Leased Territory (as it did by its identic note of July 21, 1910, to the various Powers. MacMurray, *Treaties*, I, 804, footnote), it is difficult to see but what such third party must be assumed to have accepted its terms. For the purposes of this present study, we are interested in examining the Treaty of Portsmouth primarily as it indicated the road which Russia and Japan had now elected to follow, milestones along which were to be the treaties we are studying; but since the subsequent treaties carried on a process of demarcation started by the Treaty of Portsmouth, it is unavoidable that note be made of the circumstance above pointed out.

NOTES TO CHAPTER III

¹ Pooley quotes Count Hayashi as saying in his memoirs: "Those who knew the real circumstances recognize that at the time negotiations were in progress it was absolutely necessary for us to make peace. . . . It was absolutely impossible for anyone who knew the real facts of the internal

conditions and the military situation to expect us to reap much advantage from the Treaty of Portsmouth." *The Secret Memoirs of Count Tadasu Hayashi*, pp. 230-231.

Whether or not Hayashi really wrote this (on which point see Note 12 to Chapter II, *supra*), it is probably a pretty fair statement of the situation as known to the Japanese leaders at the time.

² The first Anglo-Japanese Treaty, of January 30, 1902, contains the phrase "having mutually recognized the independence of China and Korea," and gave to *either party* the right of intervention, in case of "disturbances arising in China and Korea," for the "protection of the lives and property of its subjects." The second treaty, that of August 12, 1905, omits reference to the independence of Korea, and by it Great Britain recognized "the right of Japan to take such measures of guidance, control, and protection in Korea as she may deem proper and necessary to safeguard and advance" Japan's interests, which are declared to be "paramount."

For texts of these two treaties, see MacMurray, *Treaties*, I, pp. 324, 516.

Note the similarity in phraseology between the above and that in the Treaty of Portsmouth.

³ While the language of the treaty makes the recognition of Korean independence a declaration by China, it carried the assumption that Japan likewise recognized it. MacMurray, *Treaties*, I, 18.

⁴ The ratifications of the Treaty of Portsmouth were exchanged at Washington on November 25, 1905, eight days after the signature of the Korean Treaty.

⁵ For translation of text, see *Korea: Treaties and Agreements*, p. 55.

⁶ MacMurray, *Treaties*, I, 549.

⁷ Hayashi, *Memoirs*, p. 231.

⁸ Prince Saionji was Premier from January 7, 1906, to July 14, 1908, his Cabinet coming between two of Marquis Katsura. A. Gérard, *Ma Mission au Japon*, pp. 51, *et. al.* Hereafter cited as Gérard.

⁹ We know that Hayashi, from his reactions to the signing of the subsequent Russo-Japanese treaties of 1910 (See Note 57 to Chapter IV), was not particularly enthusiastic toward the idea of a Russo-Japanese entente, believing it unnecessary so long as the Anglo-Japanese Alliance was in force, yet he probably was glad of the opportunity at this time (1907) to defer to the wishes of the two powerful Elder Statesmen, Yamagata and Ito, whom he had opposed in 1901 and 1902. (See Note 12, to Chapter II, *supra*). Hayashi's *Memoirs*, (p. 235) indicate he coöperated fully in bringing about the entente of 1907.

¹⁰ Gérard, *op. cit.*, p. 50.

¹¹ Gérard, *op. cit.*, pp. 3, 25, says:

"I had . . . during the week preceding my departure [Gérard left France on January 2, 1907] seen at Paris M. Iswolsky, . . . and had with him most instructive conversations concerning the situation of the two late adversaries. . . . M. Iswolsky . . . told me of his desire to see not only the prompt settlement of the last questions left over from the Treaty of Portsmouth, but

also the conclusion of a general accord, which should mark, with the reconciliation of the two countries, their entente for the future."

¹² "At St. Petersburg, the negotiations encountered certain difficulties and delays. . . . Japan . . . in spite of the objections of certain groups that the Peace of Portsmouth had not satisfied, deliberately oriented herself to a total reconciliation, or more, to an entente with her old foe. . . . In Russia, on the contrary, there was, if not in official circles, at least in the army and navy and in a part of the public opinion and press, a persistent defiance with respect to the enemy of yesterday, with the thought that the Peace of Portsmouth would perhaps be but a truce which Japan would make haste to break as soon as circumstances appeared again favorable. In these circumstances, the negotiations proceeding at St. Petersburg were difficult and slow." Gérard, *op. cit.*, pp. 7, 12-13, 25-26.

¹³ The official Russian *Procès-Verbaux* covering these negotiations are entirely unsatisfactory. From them one would never know that the negotiators even thought of a secret treaty. See *Annotated Bibliography, Official and Documentary Sources*, sub-head *Russia*.

¹⁴ Gérard, who was in close touch with these negotiations, says:

"With respect . . . more particularly to the delimitation of the spheres of influence of Japan and Russia in Manchuria and Mongolia sufficiently grave divergences still existed. These Viscount Hayashi revealed to us, in making known the extreme limits of the concessions to which Japan would consent." Gérard, *op. cit.*, pp. 19-20.

¹⁵ April 18, 1899. *Parliamentary Papers by Command, China No. 2* (1899); and *Parliamentary Debates*, 4th Series, No. 185, p. 527. For an excellent examination of this question, see C. Walter Young, *Japan's Special Position in Manchuria: its Assertion, Legal Interpretation and Present Meaning*, pp. 119-120. Hereafter cited as Young, *Japan's Special Position*.

¹⁶ See text, p. 19, *supra*.

¹⁷ "It was assuredly the official interposition of the French Government which, at this moment, facilitated the desired accord." Gérard, *op. cit.*, pp. 19-20.

¹⁸ Concerning the status of Annam before the cession of Cochinchina (the southernmost of its three parts) to France as a result of the French and Spanish war against Annam of 1858-1862, H. B. Morse says:

"From that time [1789] until 1884 there is no record that the ruler of Annam failed at any time to request the confirmation of his title or to send tribute [to China], except when the way was blocked by rebellion." Morse, *op. cit.*, II, 342.

As a result of the war above-mentioned, Cochinchina was ceded to France, by the Treaty of Saigon, June 5, 1862 (for text see Henri Cordier, *Histoire des Relations de la Chine avec les Puissances Occidentales*, 1902 edition, II, 257); and the King of Annam undertook never to cede to any power other than France any part of his dominions. Following another war, France established (by the Franco-Annamite treaty of August 31, 1867)

a protectorate over Annam, by which "the authority exercising control and jurisdiction was the *résident français*." By the Treaty of Hué (Cordier, *op. cit.*, II, 387), of August 25, 1883, the protectorate was confirmed and extended. By the French Treaty with China of June 9, 1885, China surrendered suzerainty over Annam to France. Morse, commenting on this history, says: "It is only on the ground that an Asiatic nation has no rights which a white man is bound to respect that the course of France is to be explained." Morse, *op. cit.*, II, pp. 342-367.

¹⁹ F. E. Smith and N. W. Sibley, *International Law as Interpreted during the Russo-Japanese War*, pp. 461-462, say on this point: "In view of the prolonged nature of their [the Russian vessels'] visit to Madagascar and French Indo-China, it seems very difficult to deny that some infraction of neutrality has occurred." And A. S. Hershey, *International Law and Diplomacy of the Russo-Japanese War*, p. 198, says: "It is difficult to avoid the conclusion, made on the basis of its own admissions, that the French Government, in permitting the free use of its territorial waters . . . violated the *spirit*, if not the letter of International Law."

²⁰ "France was the intermediary, the natural interpreter, as much by reason of of the Franco-Russian Alliance as of the Anglo-French 'Entente Cordiale,' between Russia, her ally, and Japan, the ally of Great Britain." Gérard, *op. cit.*, p. 7.

²¹ *Ibid.*, p. 6.

²² "Viscount Hayashi asked M. Pichon himself to draft the formula, of which the sense and spirit were, in their common thought, already determined." Gérard, *op. cit.*, p. 16.

²³ MacMurray, *Treaties*, I, 640.

²⁴ That such was, indeed, the logical interpretation of the formula, may be seen from the following comment of Gérard, who was, throughout, in close touch with the negotiations:

"The accord . . . consisted above all in a recognition of accomplished facts. . . . The formula had to be based on the safeguarding and protection of *acquired situations* [italics added] and of interests already existing in this vast region. This safeguarding and this protection themselves implied, besides the recognition by the two governments of their reciprocal possessions, rights and interests, the protection of these possessions, rights and interests against whatever might attack or menace them. Such attack or menace—barring conflict between the Western Powers themselves—being foreseeable only along the frontier or in proximity to the territory belonging either to France or to Japan, that is to say, upon the confines of their common neighbor, China, the two governments came naturally to consider that the formula of the entente needed, above all, to mention, together with a recognition of their respective rights and interests upon the Asiatic continent, the special interest which both nations had that the *status quo*, the equilibrium, peace and order, should be maintained in the regions of the continent where their possessions were bounded, that is to say, the Empire of China." Gérard, *op. cit.*, pp. 14-15.

²⁵ Gérard, *op. cit.*, p. 18. No such exchange of notes, however, was annexed to the treaty as published.

²⁶ Gérard makes this fairly clear. He says that the announcement of the successful flotation of the loan "was the signal for the opening between the two governments of the active phase of the negotiations," which, he says, "after the issuance and success of the loan, were not of long duration." Gérard, *op. cit.*, pp. 13, 14.

²⁷ MacMurray, *Treaties*, I, 643-648. This agreement, which was also signed by Iswolsky and Motono, was an attempt to establish a *modus vivendi* for the two lines, designed particularly to facilitate through traffic.

²⁸ For the treaty of commerce and navigation, see *Traité et Conventions entre l'Empire du Japon et les Puissances Etrangères*, I, 549 ff. For the fisheries convention, *ibid.*, I, 563.

²⁹ *Ibid.*, I, 657-658, for text of the public convention. *Foreign Relations of the United States*, 1907, II, 765 (hereafter cited as *U. S. Foreign Relations*) contains an English translation of the public treaty, as handed to the American Secretary of State by the Russian and Japanese Embassies on August 14, 1907. The translation here used is from MacMurray, *Treaties*, I, 657-658.

For a facsimile of the original French text and an English translation of the secret treaty, see *Appendix B*, of this book.

³⁰ See Note 5, to this Chapter, *supra*.

³¹ Gérard, *op. cit.*, pp. 56-58.

³² For translation of text, see *Korea: Treaties and Agreements*, p. 58. This treaty gave the Resident General the right to give instructions and opinions "on all matters relating to the reform of the Korean administration"; by it his prior authorization was required "relating to the enactment of laws and ordinances, and in all important matters of administration"; and his assent was necessary to the appointment and dismissal of all high officials. As Gérard (*op. cit.*, p. 58) says: "thus Japan acquired a power over the Hermit Kingdom almost absolute."

³³ See *Appendix B*.

³⁴ Émile Laloy, *Les Documents Secrets des Archives du Ministère des Affaires Etrangères de Russie Publiés par les Bolcheviks*, p. 26.

Explaining his action described in the text, Hayashi is quoted by Bakhmeteff as saying that "this province [Mongolia] is outside the sphere of action of Japan, and Japan has no intention of opposing there the development of our natural interests. He had entered into a secret accord with us, voluntarily, with regard to this question, but to devote an article thereto in the treaty would not be . . . in accord with the treaty with China and might be interpreted in a sense unfavorable to Japan. If he had directed Motono to present a new draft, it was because it had not been considered proper to entrust to him officially the explanation of what he had just told me confidentially."

On this point, Gérard (*op. cit.*, p. 32) says also:

"As for Mongolia, it was recognized that the Russian sphere should not

exceed the confines of so called Outer Mongolia, extending from the Siberian frontier to the Desert of Gobi. It was the determination of this zone which for several months retarded the agreement between the negotiators."

⁸⁶ See note 14, to this Chapter, *supra*.

⁸⁹ It is certain that the French Government had a reasonably complete knowledge of the terms of the secret convention, for Gérard (*op. cit.*, p. 32) gives a summary of its provisions, referring to it, however, as a "protocol." The British Government may likewise have been informed, since it was furnished with the terms of the subsequent secret treaty of 1910. So far as can be discovered, however, no other of the Powers having treaties with China were informed, and certainly not China herself.

⁸⁷ Gérard, *op. cit.*, pp. 28-29.

NOTES TO CHAPTER IV

¹ MacMurray, *Treaties*, I, 263. For a discussion and references relative to Germany's subsequent reservation excluding Manchuria, see C. Walter Young, *Japan's Special Position in Manchuria*, pp. 63-65.

² It appears from Count Hayashi's *Memoirs* that at first both the British and Japanese Governments expected either that Germany would ask to be included, or that, after Japan and Great Britain had signed, Germany might be asked to participate by the other two. Japan was quite anxious, evidently, that Germany be included, but thought that the invitation should come from the British Government. After the exchange of signatures, it was decided that each Government should simply notify the German Government and see what would happen. This was done, Hayashi says, on February 3, 1902. Hayashi goes on to say: "Anyhow nothing happened, for our notification was only a notification, and was not an invitation to join the treaty. It does not appear that Germany really wanted to be a party to it. . . . If Germany had been really sincere in her earlier overtures and had proposed to come into the alliance, a triple alliance might easily have been concluded." Hayashi, *Memoirs*, *op. cit.*, pp. 189-194, 195.

³ MacMurray, *Treaties*, I, 224 ff.

⁴ On February 1, 1902, Mr. Hay instructed Minister Conger in Peking to inform the Chinese Foreign Office that the provisions of the pending Russo-Chinese convention relative to the evacuation of Manchuria by Russian troops tended to create a monopoly, and that "such monopoly would distinctly contravene treaties of China with foreign powers, affect rights of citizens of the United States by restricting rightful trade, and tend to impair sovereign rights of China and diminish her ability to meet international obligations; . . ." *U. S. Foreign Relations*, 1902, p. 275.

⁵ MacMurray, *Treaties*, I, 769.

⁶ Hayashi, *Memoirs*, *op. cit.*, pp. 241, 244.

⁷ Gérard, *op. cit.*, pp. 99-100. Later (p. 116), Gérard, speaking of the

Knox "Neutralization Plan," said it was presented "in spite of the accord of the year before."

⁸ MacMurray, *Treaties*, I, 803; and *U. S. Foreign Relations*, 1910, p. 836.

⁹ See *Appendix C* for a facsimile of the original French text and an English translation of this secret treaty.

¹⁰ Herbert Croly, *Willard Straight*, p. 246. Hereafter cited as Croly.

¹¹ *Ibid.*, pp. 243-245.

¹² *Ibid.*, p. 243. It is rather curious that we seem to be forced to rely on an entry in Straight's diary, as quoted by Croly, for the few specific details we have concerning this agreement.

¹³ Japan successfully invoked both her alleged residuary rights accruing, as heir of Russia, from the Treaty of Portsmouth, and a so-called "Protocol" found in the minutes of the Chinese-Japanese Conference of November-December, 1905. The text (in translation) of this "Protocol," as recently issued by the Japanese Government (*The Present Condition of China—Document A*, pp. 32-33), reads:

"The Chinese Government engage, for the purpose of protecting the interest of the South Manchuria Railway, not to construct, prior to the recovery by them of the said railway, any main line in the neighborhood of and parallel to that railway, or any branch line which might be prejudicial to the interest of the above-mentioned railway."

Commenting on this "Protocol," the Japanese Government says (p. 32):

"It ought to have been inserted in the text of the treaty, but in compliance with the wishes of the Chinese Government it was not made public in the form of a treaty stipulation. Thus, though the stipulation is not in treaty form, it is equally binding on the two countries."

The *Report of the Commission of Inquiry*, appointed by the League of Nations to study on the spot and to report to the Council on the Chinese-Japanese dispute which began in September, 1931, relative to Manchuria, says, concerning the "Protocol":

"... we are now able to state that the alleged engagement of the Chinese plenipotentiaries of the Peking Conference of November-December 1905 regarding so-called 'parallel railways' is not contained in any formal treaty; that the alleged engagement in question is to be found in the minutes of the eleventh day of the Peking Conference, December 4th, 1905. We have obtained agreement from the Japanese and Chinese Assessors that no other document containing such alleged engagement exists beyond the entry in the minutes of the Peking Conference. . . ."

"The Chinese and Japanese official translations of this entry into the minutes of the Conference leave no doubt that the disputed passage concerning 'parallel railways' is a declaration or statement of intention on the part of the Chinese plenipotentiaries. Japan has claimed that the words employed preclude China from building or allowing to be built any railway which, in the opinion of the South Manchuria Railway Company, was in competition with its system. The Chinese, on the other hand contend that

the only commitment involved in the disputed passage was a statement of intention not to build lines with the deliberate object of unduly impairing the commercial usefulness and value of the South Manchuria Railway."

Recapitulating the diplomatic correspondence between the Chinese and Japanese Governments in 1907 relative to applicability of this alleged engagement of China, to the Hsinmintun-Fakumen Railway project, the *Report* continues:

"... It would seem, therefore, that the Chinese Government during this period admitted in practice that there was, on their part, an obligation not to construct railways patently and unreasonably prejudicial to the interests of the South Manchuria Railway, though they have always denied that Japan had any valid claim to a right to monopolize railway construction in Southern Manchuria."

The Report concludes by saying that not only has there never been "a definition as to what would constitute a parallel railway, although the Chinese desired one," but also that "it would be difficult to make a thoroughly satisfactory definition"; although it does state that "from a railway-operating point of view, a 'parallel' line can be considered a 'competing line': one which deprives another railway of some part of the traffic which naturally would have gravitated to it." *Report of the Commission of Inquiry*, pp. 44-45.

So the matter now stands, pending a possible arbitral or judicial determination of the question.

For an examination of the question of the "Protocol" in relation to the Hsinmintun-Fakumen project, made before the League Commission's *Report* was issued, see C. Walter Young, *Japan's Special Position in Manchuria*, pp. 107-124.

It is understood that Volume 4 of Y. S. Wang's *Liu shih nien lai Chung Kuo yu Jih Pen* (Sixty Years of Sino-Japanese Relations), just off the press, contains "the complete official Chinese text of the minutes of the Sino-Japanese negotiations of 1905."

¹⁴ Croly, *op. cit.*, p. 269.

¹⁵ *Ibid.*, p. 271.

¹⁶ *Ibid.*, p. 276.

¹⁷ *Ibid.*, p. 302.

¹⁸ The "American Group" at that time consisted of J. P. Morgan and Company, Kuhn, Loeb and Company, the National City Bank, and the First National Bank.

¹⁹ MacMurray, *Treaties*, I, 800-803. Straight exceeded his authority in initialing for Pauling and Company, but they quickly confirmed his action.

²⁰ *North China Herald*, January, 1910.

²¹ *U. S. Foreign Relations*, 1910, p. 169. It is worth noting that this contract gave the Chinese Government a far greater share in controlling the railroad than other similar contracts had done, for, in the company "which should operate the line during the period of the loan," the Chinese were to have "a majority interest in control."

²² *U. S. Foreign Relations*, 1910, pp. 234, 236.

²³ Philander C. Knox succeeded Elihu Root as Secretary of State on March 5, 1909.

²⁴ *U. S. Foreign Relations*, 1910, p. 236.

²⁵ Possibly, too, the British Government was aware that Ambassador Rockhill, as soon as he arrived at his post, and certainly before the formal notes had been dispatched to Great Britain, had taken up with the Russian Government the general proposal for a neutralization scheme for Manchuria, and that the Russian Government had not yet committed itself against the scheme. Writing to the Russian Ambassador in London on January 13, 1910, Iswolsky stated:

"As soon as the new American Ambassador, Mr. Rockhill, took up his new post at St. Petersburg he began to prepare us for a somewhat indefinite proposal of united procedure in the Far East. . . . Rockhill, at first in personal discussions, and later in the name of his Government, developed a plan which he termed the 'commercial neutralization' of Manchuria." B. De Siebert and G. A. Schreiner, *Entente Diplomacy and the World*, pp. 13-14.

²⁶ It seems reasonably certain that the meeting of Ito and the Russian Finance Minister was not planned in advance, but that they were about to take advantage of a coincidence of duties to have informal discussions, when the whole matter was cut short by the assassin's bullet. On this point, see Gérard, *op. cit.*, pp. 112-116.

²⁷ Gérard, *op. cit.*, pp. 113-114.

²⁸ For this agreement, and one of August 19, 1909, by which Japan obtained the consent of China to the reconstruction of the Antung-Mukden Railway and its incorporation, together with the branch line to Yingkow, into the South Manchuria Railway system, see MacMurray, *Treaties*, pp. 787-790, and C. Walter Young, *Japan's Jurisdiction in the South Manchuria Railway Areas*, pp. 187-195.

²⁹ De Siebert and Schreiner, *op. cit.*, pp. 8-9.

³⁰ *Ibid.*, p. 9.

³¹ *Ibid.*

³² *Ibid.*, p. 10.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*, p. 11.

³⁶ *Ibid.*, p. 12.

³⁷ *U. S. Foreign Relations*, 1910, pp. 249-252.

³⁸ *Ibid.*, p. 261.

³⁹ Gérard (*op. cit.*, p. 124) says that Japan's demands on China were based on the "stipulations by virtue of which no line parallel to or competing with the South Manchuria line might be granted without prior consultation with Japan," that is to say, the "Protocol" of December 22, 1905. (See Note 13 *supra*). Lancelot Lawton, *Empires of the Far East*, II, 1352-1355, says the Chinese Government considered the terms which the Japanese demanded for the connecting line to be exorbitant, and therefore rejected

them. We do not yet know these precise terms, but we do know that Sir Edward Grey thought them not unreasonable. Replying, on February 28, 1910, to a question in the House of Commons, Mr. McK. Wood, Under-secretary for Foreign Affairs, declared: "They [the Japanese] have now defined their demands; I am not aware that there is anything inherently unreasonable in them, and it is for the Chinese Government to decide in the first instance whether the conditions of the Japanese Government are acceptable or not. . . . The matter is one for arrangement between Russia, China and Japan." (*Parliamentary Debates*, February 28, 1910, Vol. IV, p. 559). On March 9, in reply to another question by the same Member (Sir Wm. Bull), asking that the Government explain "on what grounds she [Japan] based her demand for so large a measure of participation," Mr. Wood said he saw no reason to modify the answer given on the 28th of February. (*Ibid.*, pp. 1450-1451). This did not satisfy the opponents of the British Government's policy, however, for, on June 15, in a debate on the Consolidated Fund Bill, another Member, Mr. G. A. Arbuthnot, declared that while "Japan does not object *in toto* to the construction of the Chinchow-Aigun Railway," and was "willing that the Railway be constructed provided she is given a reasonable share in the financing of the same," "when at last she defined her conditions they were such that China could not accept, because they went further than the question of finance and involved control." (*Ibid.*, Vol. XVII, pp. 1377-80). It will be recalled that Straight's contract provided that in the company "which should operate the line during the period of the loan" the Chinese were to have "a majority interest in control."

⁴⁰ Space need not here be given to Russia's reassertation of her claim against Great Britain arising out of the exchange of notes of April 28, 1899 (*Parliamentary Papers by Command*, China, No. 2, 1899), whereby Great Britain engaged "not to seek for her own account or on behalf of British subjects or others, any railway concessions to the north of the Great Wall of China" in return for reciprocal guarantees from Russia with respect to the Yangtze Valley. It is enough to say that the British Government admitted the obligation. (See *Parliamentary Debates*, April 4, 1910, Vol. XVI, p. 6; April 12, 1910, Vol. XVI, p. 1043; April 14, 1910, Vol. XVI, pp. 1573-4; etc.).

⁴¹ De Siebert and Schreiner, *op. cit.*, p. 15.

⁴² *Ibid.*, pp. 15-16. From an earlier telegram (*Ibid.*, p. 12), we know that Motono was returning to St. Petersburg the middle of February.

⁴³ *Ibid.*, p. 16.

⁴⁴ *Ibid.*, p. 19.

⁴⁵ *Ibid.*

⁴⁶ *Japan Daily Mail*, July 5, 1910.

⁴⁷ *North China Herald, Japanese Service*, July 7, 1910.

⁴⁸ *Japan Daily Mail*, July 12, 1910:

" . . . the promulgation . . . is expected to take place at 1 o'clock today."

⁴⁹ *U. S. Foreign Relations*, 1910, p. 835.

⁵⁰ *Ibid.*, p. 836.

⁵¹ *New York Times*, July 15, 1910, gives, as the estimate of the Chinese view: "The Chinese Government was further outraged by the fact that the agreement was submitted to the English and French Governments, but not to the Chinese Government, before its signature."

⁵² By identic notes to foreign diplomatic missions in Peking, July 21, 1910. *U. S. Foreign Relations*, 1910, p. 836.

⁵³ *Ibid.*, p. 837.

⁵⁴ Japan's dallying with the Chinchow-Aigun project had not gone unnoticed in Russia. The *New York Times* of July 8, 1910, in summarizing a leading article in the St. Petersburg *Novoe Vremya*, says: "Mr. Knox entered into preliminary negotiations regarding the Aigun Railway without Russia's knowledge and obtained Japan's theoretical consent, which was embarrassing to Russia." Perhaps Japan found equally embarrassing Russia's counter-proposal, made without consulting Japan, regarding the Kalgan-Urga-Kiahkta line.

⁵⁵ *New York Times*, July 14, 1910.

⁵⁶ *North China Herald, Japanese Service*, July 15, 1910.

⁵⁷ *North China Herald, Japanese Service*, July 15, 1910.

⁵⁸ *Japan Daily Mail*, July 4, 1910. In its issue of the 6th, the *Daily Mail* quotes the *Nichi Nichi Shimbun* as stating that the treaty furnished "a complete answer to the plan . . . for the neutralization of Manchurian railways."

⁵⁹ Quoted by the *New York Times*, July 15, 1910.

⁶⁰ *New York Times*, Editorial, July 14, 1910.

⁶¹ *London Times*, July 7, 1910.

⁶² *New York Times*, July 12, 1910.

⁶³ *Ibid.*

⁶⁴ *Ibid.*, July 7, 1910.

⁶⁵ A former officer in the Department, has personally informed the writer, in regard to the Department's attitude at the time: "The Department refused to entertain the suspicion that there was any secret treaty, and rather resented it when the press or anyone else suggested the idea."

ANNOTATED BIBLIOGRAPHY

This bibliography is not intended to be comprehensive, or to cover all the materials consulted in the preparation of this book. Particularly is this true of secondary materials, scholarly or otherwise, and their omission should not be regarded as any reflection on their worth. All that is here intended is to cite those materials found useful in this particular study, with some comment on the extent to which the writer has found them valuable.

OFFICIAL GOVERNMENT PUBLICATIONS

China

In the Chinese language is to be found a vast storehouse of valuable source materials, for the historian, political scientist, and social scientist in general, which modern scholars have only just begun to use. Reasons for this neglect are various—the difficulty of the language for other than Chinese or Japanese scholars; the voluminousness, the lack of indices, and the dispersal of the materials [the Library of Congress in Washington has the best and most carefully catalogued collection in the Western Hemisphere]; and (perhaps the most important of all) the circumstance that the makers of the records were not scholars in the modern sense, but rather, for the most part, chroniclers, entering in their records a vast amount of varied and frequently unrelated material, by no means always purporting to be factual. They were concerned more with calligraphy and literary style, and with pleasing the court or other patron for whom the writing was done, than with historical accuracy.

These records may be roughly divided into three classes: one, the *Shih* (Histories) or *Sbu* (Books) of particular dynasties; two, the *Chih* (Chronicles) of provinces, prefectures, or districts; and three, all others. Many, particularly of the first two classes, are to be found today only as copies, the accuracy of which it is impossible to determine.

On the first two classes, the writer has drawn but sparingly. This was partly because China was not one of the parties to the negotiations and agreements with which this study has been particularly concerned, so that the Chinese records could at best contribute only supplementary or corroborative evidence. More particularly, however, it was for the reason that, even for one who knows something of the language, the labor which would have been involved in going through a voluminous and unindexed mass of materials would have been out of all proportion to the possible value of evidence unearthed. For the citations to dynastic histories and the chronicles

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of political subdivisions used, the writer has followed the valuable lead of Dr. Hsü Shuhsi, whose use of his country's ancient records in his *China and her Political Entity* (New York, 1926) is painstaking and thorough.

The following additional Chinese official publications have been used:

Tiao Yueh,—a collection of treaties, conventions and other documents by the Chinese Ministry for Foreign Affairs, beginning with the Tsing (Manchu) Dynasty (1644-).

Treaties, Conventions, etc., between China and Foreign States. 2 vols. First edition, 1908; second edition, 1917. Chinese Maritime Customs, Shanghai.

Having been made by a department of the Chinese Government, this compilation is official. Particularly valuable because it gives not only the Chinese but also the foreign language texts of treaties.

Memoranda Presented to the Lytton Commission. Prepared by Dr. V. K. Wellington Koo, Chinese Assessor on that Commission. New York, 1932.

A collection of memoranda, embodying essential elements in China's "case" against Japan in the Manchurian controversy of 1931-1932.

An announcement has appeared that the authorities of the Palace Museum (Peiping) have commenced publication in Chinese of the Museum's "collection of documents on the Sino-Japanese relations during the reign of the Emperor Kuang Hsü, 1875-1908," and that twenty-eight out of a projected forty volumes have been issued. There has not been opportunity, however, to consult this collection.

Great Britain

Foreign Office. *Treaty Series* (by years).

Authoritative for English texts of treaties to which Great Britain has been a party.

Parliament. *Papers by Command*.

Each paper bears a command number, and is also designated by a system of country, year, and number; e. g. "China, No. 2 (1899)."

Parliament. *Debates*.

Similar to the American *Congressional Record*, though less cumbered with extraneous material.

Foreign Office. *British and Foreign State Papers*.

This series, also, contains treaties and exchanges of notes. The same document may sometimes be published in this and in the *Treaty Series*.

All official publications are now issued by H. M. Stationery Office, London. The *Debates* were for some time published by the private printing house known as Hansard, hence the name sometimes given them.

Foreign Office. *British Documents on the Origins of the War 1898-1914*, edited by G. P. Gooch and Harold Temperley. H. M. Stationery Office, 1932. Vol. VIII—*Arbitration, Neutrality and Security*.

Japan

Ministry for Foreign Affairs. *Recueil de traités et conventions conclus entre l'Empire du Japon et les puissances étrangères*. 2 vols. Imprimerie Impériale, Tokyo, 1918.

One volume gives the Japanese and (where there is also a Chinese) the Chinese text; the other, the foreign text. An official selection; for instance, it omits the texts of, or any reference to, the secret treaties with Russia of 1907-1916.

The Present Condition of China with Reference to Circumstances Affecting International Relations and the Good Understanding between Nations upon which Peace Depends. Document A. (Tokyo?), 1932. (With many Appendices.)

"Document prepared by the Japanese Government and communicated to the Commission of Enquiry appointed by the League of Nations in pursuance of its Resolution of December 10, 1931."

Useful as presenting Japan's "case" against China; as containing a considerable amount of factual material; and as publishing for the first time an official statement of the celebrated "secret protocol" to the Chinese-Japanese Treaty of May 25, 1915.

Relations of Japan with Manchuria and Mongolia. Document B. (With many Appendices).

A companion volume to *Document A*.

League of Nations

Appeal of the Chinese Government—Report of the Commission of Enquiry: October 1, 1932. Official No: C. 663. M. 320. Series VII. Political 1932. 12. Geneva, 1932.

Russia

Sbornik dogovorov Rosii s Kitaem, 1689-1881 (Collection of Treaties between Russia and China, 1689-1881). St. Petersburg, 1889.

Useful for Russian texts.

Sbornik dogovorov i diplomaticheskikh dokumentov po dielam Dal'niago Vostoka, 1895-1905. (Collection of Treaties and Diplomatic Documents on the Far East, 1895-1905.) St. Petersburg, 1906.

Useful for Russian texts.

Sobranie Uzakonenii (Bulletin of the Laws). St. Petersburg. Periodical.

Useful for Russian and French texts. Does not give the secret treaties with Japan.

Procès-verbaux de la conférence pour la conclusion d'un traité de commerce et navigation entre la Russie et le Japon, 1906-1907. Ministry for Foreign Affairs, St. Petersburg, 1907.

In French and Russian. Like a number of other Russian official volumes of "Procès-verbaux," this is of little value, as obviously censored.

Narodnyi komissariat po inostrannym delam. Sbornik deistvuiushchikh dogovorov, soglasbenii i konventsii, zakliuchennykh s inostrannymi

gosudarstvami (People's Commissariat of Foreign Affairs. Collection of Treaties, Agreements and Conventions in Force, Concluded with Foreign Powers). Vol. I/II (second edition), Moscow, 1928.

Dokumenty po peregovoram s Iaponiei, 1903-1904. St. Petersburg, 1905. (Documents on the Negotiations with Japan, 1903-1904.)

This volume, marked "Kept in the Chancellery of the Special Committee on the Far East (to be treated as a manuscript—confidential)," is most illuminating.

Gazeta Vremennogo Rabocheho i Krest'ianskogo Pravitel'stva (Gazette of the Provisional Workers' and Peasants' Government). Moscow.

The official organ of the Soviet Government from November 10 ("old style"), 1917, to March 10 ("new style"), 1918. Files available in the United States are incomplete.

United States

Department of State. *Foreign Relations of the United States.* Government Printing Office, Washington. Annual, in one or more volumes for each year.

Conference on the Limitation of Armament. (Washington, November 12, 1921-February 6, 1922.) Government Printing Office, Washington, 1922.

This official record of the Conference, compiled and published through the United States Government Printing Office by the Secretariat General of the Conference, is to be distinguished from the report very hastily prepared by the Secretariat of the American Delegation in response to an urgent request of the Senate, and published, under the title "Conference on the Limitation of Armament," as Senate Document No. 126 (Washington: 1922).

UNOFFICIAL COLLECTIONS OF TREATIES AND OTHER DOCUMENTS

MacMurray, J. V. A., *Treaties and Agreements with and concerning China, 1894-1919.* 2 vols. Carnegie Endowment for International Peace, Oxford University Press, New York, 1921.

Still the most authoritative compilation on the subject. Officially recognized documents are numbered by years, and fully referenced. Material doubtful at the time of publication is given in footnotes, with sources cited.

Treaties and Agreements with and concerning China, 1919-1929. Carnegie Endowment for International Peace, Washington, 1929.

Manchuria: Treaties and Agreements. Carnegie Endowment for International Peace, Washington, 1921.

Korea: Treaties and Agreements. Carnegie Endowment for International Peace. Washington, 1921.

Of the three collections listed after Mr. MacMurray's work, above,

the first is, as its name implies, a compilation of subsequent material in supplement to his collection; the second is virtually a reprint, with a few documents added, of those portions of his work that relate to Manchuria.

- Grimm, E. D., *Sbornik dogovorov i drugih dokumentov po istorii mezhdunarodnykh otnoshenii na Dal'nem Vostoke* (Collection of Treaties and other Documents concerning the History of International Relations in the Far East). Moscow, 1927.

This volume has some claim to being considered as at least quasi-official, since it was edited as a publication of the Institute for the Study of the Far East, created and controlled by the Soviet Government. So far as concerns the treaties here discussed, however, Professor Grimm's texts appear to be translations into Russian from the French, and are very poorly translated and edited. The volume is useful, however, for its introduction, which gives the Soviet attitude toward the period as a whole.

- De Siebert, B., and Schreiner, G. A., *Entente Diplomacy and the World*. New York, 1921.

Documents generally accepted as authentic but poorly translated or edited, in the case of the treaties here involved. For a discussion of these documents, see Professor G. P. Gooch, *Recent Revelations of European Diplomacy*, pp. 97-98. London, 1930.

- Laloy, Emile, *Les Documents Secrets des Archives du Ministère des Affaires Étrangères de Russie Publiés par les Bolcheviks*. Paris, 1919.

Fragmentary, and, in the case of the text of the one secret treaty discussed in the present volume, very poorly translated.

MEMOIRS AND BIOGRAPHIES

- Croly, H. D., *Willard Straight*. New York, 1924.

The work of a careful biographer, particularly valuable because of the use made of Straight's diary.

- Dillon, E. J., *The Eclipse of Russia*. New York, 1918.

Classed as a memoir, because based on notes and documents collected by the author while serving as correspondent in Russia for the London *Daily Telegraph*. Valuable for this reason, but prejudiced.

- Gérard, A., *Ma Mission au Japon, 1907-1914, avec un épilogue de 1914 à 1919 et quatre portraits*. Paris, 1919.

Named French Ambassador to Japan October 12, 1906, Gérard had the opportunity, before departing for his post, of being personally instructed by Pichon, then French Foreign Minister, as to the part he was expected to play in the negotiations already under way in Paris between Pichon and the Japanese Ambassador, for the conclusion of a new Franco-Japanese treaty; and also of having several personal conversations with Iswolsky, Russian Foreign Minister, then on a visit to Paris, relative to the progress of the Russo-Japanese negotiations like-

wise under way, in St. Petersburg. This book gives the impression of being based on diary notes. It is somewhat indiscreet, and considerably biased in favor of Japan.

Hayashi, Count Tadasu, *The Secret Memoirs of Count Tadasu Hayashi*. Edited by A. M. Pooley. New York, 1915.

Based on papers published after the death of Count Hayashi, in the *Jiji Shimpō*, and on additional manuscripts obtained by Pooley from sources which he does not reveal. When these papers began to be published (allegedly with the approval of the Hayashi family) the Japanese Ministry for Foreign Affairs requested that publication cease, as being against the public interest, but apparently without charging that they were not authentic. Pooley, who was at the time Japanese representative of Reuter's News Agency, then began publication in English, in London, and later put the papers in the book form cited above. A distinguished Japanese scholar has said of the book: "A piece of blackmail. . . . Not secret, having already appeared in Japanese, merely indiscreet." Another has commented: "Authentic, but Pooley quoted material outside its context and thus created misleading conclusions." Under the circumstances, references to this book are made with a certain reserve.

Rosen, Baron, *Forty Years of Diplomacy*. New York, 1922.

Very useful. Dr. Gooch (*Recent Revelations of European Diplomacy*) considers it one of the soundest of the Russian memoirs.

Iswolsky, Alexander, *Recollections of a Foreign Minister (Memoirs of Alexander Iswolsky)*. Translated by Charles L. Seeger. New York, 1921.

For the purposes of the present study, it is particularly valuable, since Iswolsky was one of the principal actors. Unfortunately, it shows prejudice.

Savinsky, A., *Recollections of a Russian Diplomat*. London, 1928.

Useful in spots.

Sazonoff, Serge, *Fateful Years, 1909-1916*. London, 1926.

While this book has been rather harshly dealt with by historians, such as Gooch, because of its omissions, it was found useful.

Witte, Sergius, *Memoirs of Count Witte*. Translated by A. Yarmolinsky. New York, 1921.

Very useful, particularly as giving the viewpoint of the Russian liberal.

YEAR BOOKS

China Year Book. Edited by H. G. W. Woodhead. Published by the Tientsin Press, Ltd., Tientsin, China, until 1930; after 1930, published by the *North China Daily News*, Shanghai. Annual, with one gap during the World War, and sometimes with two years covered by a single volume.

Japan Year Book. Tokyo. Annual. Unofficial.

NEWSPAPERS

Japan Daily (and Weekly) Mail. Tokyo.

The *Weekly* alone is available in American libraries, but it contains reprints of important material given during the previous week's *Daily*. For some time this paper was regarded as the semi-official English-language journal in Japan, and was often cited as a source for documents published in British Government publications.

North China Herald. Shanghai. The weekly edition of the *North China Daily News*.

This paper is subject to much the same comment as the *Japan Weekly Mail*. Outspoken, generally anti-Chinese, and frequently anti-American, it nevertheless seems quite rightly to be rated as the most carefully edited and comprehensive English-language newspaper in China. Like the *Japan Weekly Mail*, it took great pains to obtain accurate translations of important official documents.

New York Times. New York.

Requires no comment.

London Times. London.

No comment.

SECONDARY MATERIALS

The following list is distinctly selective, including only such as involved a study of source materials pertaining to the period covered by this study:

Bau, M. J., *The Foreign Relations of China*. New York, 1921.

A painstaking study, though somewhat in the nature of "special pleading."

Bland, J. O. P., *Recent Events and Present Policies in China*. London, 1912.

Records by a competent journalist and writer. Unfortunately, neglects citations, even when using direct quotations.

Cordier, Henri, *Histoire des relations de la Chine avec les puissances occidentales*. 3 vols. Paris, 1902.

———, *Histoire générale de la Chine et de ses relations avec les pays étrangers, depuis les temps les plus anciens jusqu'à la chute de la dynastie Manchoue*. 4 vols. Paris, 1920.

The second work is an enlargement and continuation of the first, but omits some very illuminating material included in the first, relative to France in Annam.

Chang, Chang-fu, *The Anglo-Japanese Alliance*. Baltimore, 1929.

A conscientious compilation of data, with footnotes useful in locating material.

Chinese Eastern Railway Printing Office. *North Manchuria and the Chinese Eastern Railway*. Harbin, 1924.

Of statistical value.

De Sabir, C., *Le Fleuve Amour: Histoire Géographie, Ethnographie*. Paris, 1861. Imprimerie de Georges Kugelman.

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The author of this book was a Member of the Geographical Society of Paris, of the Oriental Society of France, of the Society of Oriental and Climatological Ethnography, and of the Imperial Society of Climatological Zoology. In his introduction he states that the work is "écrit exclusivement d'après des données russes," and in the body of the book he cites many such sources, among them being memoirs and reports of several of the early Russian explorers in Eastern Asia, from 1645 through 1652. Valuable not only for its own material, but also for the support it gives to E. G. Ravenstein, *The Russians on the Amur* (London, 1861), long regarded as a standard work on the subject. As both books came out the same year, one in Paris and the other in London, it would be interesting to know whether the two writers did their work independently.

Dennis, A. L. P., *The Foreign Policies of Soviet Russia*. New York, 1924.
 Francke, Otto, *Geschichte des Chinesischen Reiches, eine Darstellung seiner Entstehung, seines Wesens und seiner Entwicklung bis zur neuesten Zeit*. Erster Band, 1930. Verlag von Walter de Gruyter & Co., Berlin, Leipzig.

When completed, this will be an imposing work. Very thorough.

Hershey, Amos S., *The International Law and Diplomacy of the Russo-Japanese War*. New York, 1906.

The point of view of the international lawyer with respect to the events described.

Gooch, G. P., *Recent Revelations of European Diplomacy*. London, 1930.

A careful and dispassionate searching of the records, by one of the joint editors of the British Foreign Office, *British Documents on the Origins of the War, 1898-1914*.

Hosie, (Sir) A., *Manchuria, its People, Resources and Recent History*. Second edition, London, 1904.

Observations made on the spot by a British consular officer.

Hsü, Shuhsi, *China and her Political Entity (a Study of China's Foreign Relations with Reference to Korea, Manchuria and Mongolia)*. New York, 1926.

Valuable for the use made of Chinese historical materials, of which he has an excellent bibliography, and for which he has developed a usable system of reference.

Jochelson, Waldemar, "Peoples of Asiatic Russia," in American Museum of Natural History, *Report*, 1928.

For ethnological origins of Eastern Asiatic peoples.

Kawakami, K. K., *American-Japanese Relations, an Inside View of Japanese Policies and Purposes*. New York, 1912.

———, *Japan in World Politics*. New York, 1918.

———, *Japan's Pacific Policy*. New York, 1921.

———, *Japan Speaks on the Sino-Japanese Crisis*. New York, 1932.

The author has spent thirty years in the United States as correspondent for various Japanese newspapers (at present, the *Hochi Shimbum*).

His books are frankly "special pleading" for his country; his point of view that of the liberal Japanese. Useful for Japanese sources cited, not otherwise available.

Kent, P. H., *Railway Enterprise in China*. London, 1907.

Kent was connected with British financial interests in China during part of the period covered, and has left a valuable record of first-hand observation and data.

Krausse, A., *Russia in Asia: a Record and a Study, 1558-1899*. New York, 1899.

Does not appear to have been quite as careful as Ravenstein or De Sabir, but useful for suggestive comment.

Lattimore, Owen, *Manchuria: Cradle of Conflict*. New York, 1932.

A book, based on first-hand study, by one long resident in the field studied.

Lawton, Lancelot, *Empires of the Far East, a Study of Japan and her Colonial Possessions, of China and Manchuria and of the Political Questions of Eastern Asia and the Pacific*. 2 vols. London, 1912.

Contains some material not found elsewhere. Apparently had access to Chinese official records.

Lobanov-Rostovsky, Prince A., *Russia and Asia*. New York, 1933.

Morse, H. B., *The International Relations of the Chinese Empire*. 3 vols. Revised edition, New York, 1918.

Prepared by one who spent a lifetime in the Chinese Maritime Customs Service, this three-volume work is still the standard for the subject covered. His references to Chinese treaties are particularly reliable, as it was under his direction that the first edition of the *Customs Treaties* was compiled.

Morse, H. B., and MacNair, H. F., *Far Eastern International Relations*. New York, 1931.

A digest and supplement of the three-volume work of Morse previously mentioned. Also excellent.

Pasvolsky, L., *Russia in the Far East*. New York, 1922.

Ravenstein, E. G., *The Russians on the Amur*. London, 1861.

Long regarded as the standard work for the period. See comment on De Sabir, above.

Shirakogoroff, S. M., *Anthropology of North China*.

———, "Social Organization of the Manchus," in Royal Asiatic Society, North China Branch, Extra Volume III, 1924.

Frequently cited by anthropologists in dealing with Eastern Asia. His examination has been first-hand and thorough.

Smith, F. E., and Sibley, N. W., *International Law as Interpreted during the Russo-Japanese War*. Boston, 1905.

Sokolsky, George E., *The Tinder Box of Asia*. New York, 1932.

Acute observation of a rather limited phase of recent developments, rather than a scholarly study.

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Treat, Payson J., *The Early Diplomatic Relations between the United States and Japan, 1853-1865*. Baltimore, 1917.

———, *Japan and the United States, 1853-1921, revised and continued to 1928*. Stanford, 1928.

The work of a sound scholar who has studied his sources with great thoroughness.

Tomimas, S., *The Open Door Policy and the Territorial Integrity of China*. New York, 1919.

Has some useful Japanese materials not otherwise available.

Weigh, K. S., *Russo-Chinese Diplomacy*. Shanghai, 1927.

A good, well-documented study, but disappointing in lack of reference to Chinese source materials.

Vinacke, H. M., *A History of the Far East in Modern Times*. New York, 1928.

One of the best short histories.

Williams, E. T., *A Short History of China*. New York, 1928.

Makes more use of Chinese materials than most Western writers.

Yakhontoff, V. A., *Russia and the Soviet Union in the Far East*. New York, 1931.

Makes good use of Russian materials. Yakhontoff was the first to publish English translations of the Russo-Japanese secret treaties.

Young, C. Walter, *The International Relations of Manchuria*. Univ. of Chicago Press, 1929.

A handbook and digest of the subject. His later trilogy (see below) goes further.

———, *Japan's Special Position in Manchuria: its Assertion, Legal Interpretation and Present Meaning*.

———, *The International Legal Status of the Kwantung Leased Territory*.

———, *Japanese Jurisdiction in the South Manchuria Railway Areas*.

(All three by the Johns Hopkins Press, Baltimore, 1931.)

These three volumes, brought together under the explanatory sub-title *Japan's Jurisdiction and International Legal Position in Manchuria*, compose the latest and most complete study of the field indicated by the sub-title. An authoritative work.

BIOGRAPHICAL SKETCH

ERNEST BATSON PRICE

Born October 13, 1890, in Henzada, Burma, of American parents. Educated in the public schools, Beaver Dam, Wisconsin; Wayland Academy, that city; University of Rochester, Rochester, New York (A. B., 1913); Townsend Fellow in International Law, Columbia University, 1913-1914, but did not receive a degree. Entered, after civil service examination, the Foreign Service of the United States, and assigned as student interpreter, American Legation, Peking, 1914. Student interpreter, 1914-1916; interpreter and vice consul, Tientsin, 1916-1918; assistant Chinese secretary, American Legation, Peking, 1918-1920; vice consul in charge, Foochow, 1920; Canton, 1920-1921; consul, Foochow, 1921-1927; consul, Tsinan, 1928; consul, Nanking, 1928-July, 1929. Resigned. Returned to China as president and member of board of directors, China Airways Federal Incorporated, U. S. A.; the same, China Aircraft Corporation, 1929-1930. In graduate study, Stanford University, 1930, autumn quarter; University of Oregon, winter and spring quarters, 1930-1931, as research assistant to the President; Stanford University, autumn and winter quarters, 1931-1932; research assistant in the Walter Hines Page School of International Relations, the Johns Hopkins University, 1932-1933, and in residence study.

